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Selections.

THE DRED SCOTT CASE.

THE OPINION OF MR. JUSTICE CURTIS.

IN THE SUPREME COURT OF THE UNITED STATES, }
Saturday, March 7, 1857. }

[Concluded.]

CONGRESS HAS POWER TO PROHIBIT SLAVERY IN THE TERRITORIES.

I have thus far assumed, merely for the purpose of the argument, that the laws of the United States, respecting slavery in this territory, were constitutionally enacted by Congress. It remains to enquire whether they are constitutional and binding laws.

In the argument of this part of the case at bar, it was justly considered by all the counsel to be necessary to ascertain the source of the power of Congress over the territory belonging to the United States. Until this is ascertained, it is not possible to determine the extent of that power. On the one side it was maintained that the Constitution contains no express grant of power to organize and govern what is now known to the laws of the United States as a Territory; that whatever power of this kind exists is derived by implication from the capacity of the United States to hold and acquire territory out of the limits of any State, and the necessity for its having some government.

On the other side it was insisted that the Constitution has not failed to make an express provision for this end, and that it is found in the third section of the fourth article of the Constitution.

To determine which of these is the correct view, it is needful to advert to some facts, respecting this subject, which existed when the Constitution was framed and adopted. It will be found that these facts not only shed much light on the question whether the framers of the Constitution omitted to make a provision concerning the power of Congress to organize and govern Territories, but they will also aid in the construction of any provision which may have been made respecting this subject.

Under the Confederation, the unsettled territory within the limits of the United States had been a subject of deep interest. Some of these States insisted that these lands were within their chartered boundaries, and that by their independence they had succeeded to the title of the Crown to the soil. On the other hand, it was argued that the vacant lands belonging to the Crown had been acquired by the United States, by the war carried on by them under a common government and for the common interest.

This dispute was further complicated by unsettled questions of boundary among several States. It not only delayed the accession of Maryland to the Confederation, but, at one time, seriously threatened its existence (5 Jour. of Cong., 208–442). Under the pressure of these circumstances, Congress earnestly recommended to the several States a cession of their claims and rights to the United States (5 Jour. of Cong., 442). And before the Constitution was framed, it had been begun. That by New York had been made on the first day of March, 1781; that of Virginia on the first day of March, 1784; that of Massachusetts on the nineteenth day of April, 1785; that of Connecticut on the fourteenth day of September, 1786; that of South Carolina on the eighth day of August, 1787, while the Convention for framing the Constitution was in session.

It is very material to observe, in this connection, that each of the acts cedes, in terms, to the United States as well the jurisdiction as the soil.

It is also equally important to note that, when the Constitution was framed and adopted, this plan of vesting in the United States, for the common good, the great tracts of ungranted lands claimed by the several States, in which so deep an interest was felt, was yet incomplete. It remained for North Carolina and Georgia to cede their extensive and valuable claims. These were made, by North Carolina on the twenty-fifth day February, 1790, by Georgia on the twenty-fourth day of April, 1802. The terms of these last-mentioeed cessions will hereafter be noticed in another connection; but I observe here that each of them distinctly shows, upon its face, that they were not only in execution of the general plan proposed by the Congress of the Confederation, but of a formed purpose of each of these States existing when the assent of the respective people was given to the Constitution of the United States.

It appears, then, that when the Federal Constitution was framed and presented to the people of the several States for their consideration, the unsettled territory was viewed as justly applicable to the common benefit, so far as it then had or might attain thereafter a pecuniary value; and so far as it might become the seat of new States, to be admitted into the Union upon an equal footing with the original States. And also, that the relations of the United States to that unsettled territory were of different kinds. The titles of the States of New York, Virginia, Massachusetts, Connecticut and South Carolina, as well of soil as of jurisdiction, had been transferred to the United States. North Carolina and Georgia had not actually made transfers, but a confident expectation, founded on their appreciation of the justice of the general claim, and fully justified by the result, was entertained that these cessions would be made. The ordinance of 1787 had made provision for the temporary government of so much of the territory actually ceded as lay north-west of the river Ohio.

But it must have been apparent, both to the framers of the Constitution and the people of the several States who were to act upon it, that the government thus provided for could not continue unless the Constitution should confer on the United States the necessary powers to continue it. That temporary government, under the ordinance, was to consist of certain officers, to be appointed by and responsible to the Congress of the Confederation; their powers had been conferred and defined by the ordinance. So far as it provided for the temporary government of the territory, it was an ordinary act of legislation, deriving its force from the legislative power of Congress, and depending for its vitality upon the continuance of that legislative power. But the officers to be appointed for the North-Western Territory, after the adoption of the Constitution, must necessarily be officers of the United States, and not of the Congress of the Confederation; appointed and commissioned by the President, and exercising powers derived from the United States under the Constitution.

Such was the relation between the United States and the North-Western Territory, which all reflecting men must have foreseen would exist, when the government created by the Constitution should supersede that of the Confederation; that if the new government should be without power to govern this territory, it could not appoint and commission officers, and send them into the Territory, to exercise there legislative, judicial and executive power; and that this territory, which was even then foreseen to be so important, both politically and financially, to all the existing States, must be left not only without the control of the general government, in respect to its future political relations to the rest of the States, but absolutely without any government, save what its inhabitants, acting in their primary capacity, might from time to time create for themselves.

But this North-Western Territory was not the only territory, the soil and jurisdiction whereof were then understood to have been ceded to the United States. The cession by South Carolina, made in August, 1787, was of "all the territory included within the river Mississippi, and a line beginning at that part of the said river which is intersected by the southern boundary of North Carolina, and continuing along the said boundary line until it intersects the ridge or chain of mountains which divides the eastern from the western waters, then to be continued along the top of the said ridge of mountains, until it intersects a line to be drawn due west from the head of the southern branch of the Tugaloo river to the said mountains, and thence to run a due west course to the river Mississippi."

It is true that by subsequent explorations it was ascertained that the source of the Tugaloo river, upon which the title of South Carolina depended, was so far to the northward that the transfer conveyed only a narrow slip of land, about twelve miles wide, lying on the top of the ridge of mountains and extending from the northern boundary of Georgia to the southern boundary of North Carolina. But this was a discovery made long after the cession, and there can be no doubt that the State of South Carolina, in making the cession, and the Congress in accepting it, viewed it as a transfer, to the United States, of the soil and jurisdiction of an extensive and important part of the unsettled territory, ceded by the Crown of Great Britain by the treaty of peace, though its quantity or extent then remained to be ascertained.

It must be remembered also, as has been already stated, that not only was there a confident expectation entertained by the other States that North Carolina and Georgia would complete the plan already so far executed by New York, Virginia, Massachusetts, Connecticut, and South Carolina, but that the opinion was in no small degree prevalent that the just title to this "back country," as it was termed, had vested in the United States by the treaty of peace, and could not rightfully be claimed by any individual State.

There is another consideration applicable to this part of the subject, and entitled, in my judgment, to great weight.

The Congress of the Confederation had assumed the power not only to dispose of the lands ceded, but to institute governments and make laws for their inhabitants. In other words, they had proceeded to act under the cession, which, as we have seen, was as well of the jurisdiction as of the soil. This ordinance was passed on the 13th of July, 1787. The Convention for framing the Constitution was then in session at Philadelpia. The proof is direct and decisive that it was known to the Convention.* It is equally clear that it was admitted and understood not to be within the legitimate powers of the Confederation to pass this ordinance (Jefferson's Works, vol. 9, pp. 251, 276; Federalist, No. 38, 436).

The importance of conferring on the new government regular powers commensurate with the objects to be attained, and thus avoiding the alternative of a failure to execute the trust assumed by the acceptance of the cessions made and expected, or its execution by usurpation, could scarcely fail to be perceived. That it was, in fact, perceived, is clearly shown by the Federalist (No. 38), where this very argument is made use of in commendation of the Constitution.

Keeping these facts in view, it may confidently be asserted that there is very strong reason to believe, before we examine the Constitution itself, that the necessity for a competent grant of power to hold, dispose of and govern territory ceded and expected to be ceded could not have escaped the attention of those who framed or adopted the Constitution; and that if it did not escape their attention, it could not fail to be adequately provided for.

Any other conclusion would involve the assumption that a subject of the gravest national concern, respecting which the small States felt so much jealousy that it had been almost an insurmountable obstacle to the formation of the Confederation, and as to which all the States had deep pecuniary and political interests, and which had been so recently and constantly agitated, was nevertheless overlooked; or that such a subject was not overlooked, but designedly left unprovided for, though it was manifestly a subject of common concern, which belonged to the case of the general government, and adequate provision for which could not fail to be deemed necessary and proper.

The admission of new States, to be framed out of the ceded territory, early attracted the attention of the Convention. Among the resolutions introduced by Mr. Randolph on the 29th of May was one on this subject (Res. No. 10, 5 Eliot, 128), which, having been affirmed in committee of the whole on the 5th of June (5 Eliot, 156), and reported to the Convention on the 13th June (5 Eliot, 190), was referred to the Committee of Detail to prepare the Constitution on the 26th of July (5 Eliot, 376). This committee reported an article for the admission of new States "lawfully constituted or established." Nothing was said concerning the power of Congress to prepare or form such States. This omission struck Mr. Madison, who, on the 18th of August (5 Eliot, 439), moved for the insertion of power to dispose of the unappropriated lands of the United States, and to institute temporary governments for new States arising therein.

On the 29th of August (5 Eliot, 492) the report of the committee was taken up, and after debate, which exhibited great diversity of views concerning the proper mode of providing for the subject, arising out of the supposed diversity of interests of the large and small States, and between those which had and those which had not unsettled territory, but no difference of opinion respecting the propriety and necessity of some adequate provision for the subject, Governor Morris moved the clause as it stands in the Constitution. This met with general approbation and was at once adopted. The section is as follows: "New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of Congress.

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or any particular State."

That Congress has some power to institute temporary governments over the territory, I believe all agree; and, if it be admitted, that the necessity of some power to govern the territory of the United States could not and did not escape the attention of the Convention and the people, and that the necessity is so great that, in the absence of any express grant, it is strong enough to raise an implication of the existence of that power, it would seem to follow that it is also strong enough to afford material aid in construing an express grant of power respecting that territory; and that they who maintain the existence of the power, without finding any words at all in which it is conveyed, should be willing to receive a reasonable interpretation of language of the Constitution manifestly intended to relate to the territory, and to convey to Congress some authority concerning it.

It would seem also that when we find the subject-matter of the growth and formation and admission of new States, and the disposal of the territory for these ends, were under consideration, and that some provision therefor was expressly made, it is improbable that it would be, in its terms, a grossly inadequate provision; and that an indispensably necessary power to institute temporary governments, and to legislate for the inhabitants of the Territory, was passed silently by, and left to be deduced from the necessity of the case.

In the argument at the bar, great attention has been paid to the meaning of the word "Territory."

Ordinarily, when the territory of a sovereign power is spoken of, it refers to that tract of country which is under the political jurisdiction of that sovereign power. Thus Chief Justice Marshall (in United States vs. Bevans, 3 Whea., 386) says—"What, then, is the extent of jurisdiction which a State possesses? We answer, without hesitation, the jurisdiction of a State is coëxtensive with its territory." Examples might easily be multiplied of this use of the word, but they are unnecessary, because it is familiar. But the word "Territory" is not used in this broad and general sense in this clause of the Constitution. At the time of the adoption of the Constitution, the United States held a great tract of country north-west of the Ohio; another tract, then of unknown extent, ceded by South Carolina, and a confident expectation was then entertained, and afterwards realized, that they then were or would become the owners of other great tracts by cession from North Carolina and Georgia. These ceded tracts lay within the limits of the United States, and out of the limits of any particular State; and the cessions embraced the civil and political jurisdiction and so much of the soil as had not previously been granted to individuals.

These words, "territory belonging to the United States," were not used in the Constitution to describe an abstraction, but to identify and apply to these actual subjects matter then existing and belonging to the United States, and other similar subjects, which might afterwards be acquired; and this being so, all the essential qualities and incidents attending such actual subjects are embraced within the words "territory belonging to the United States," as fully as if each of these essential qualities and incidents had been specifically described.

I say the essential qualities and incidents. But in determining what were the essential qualities and incidents of the subject with which they were dealing, we must take into consideration not only all the particular facts which were immediately before them, but the great consideration, ever present to the minds of those who framed and adopted the Constitution, that they were making a frame of government for the people of the kindred States and their posterity, under which they hoped the United States might be, what they have now become, a great and powerful nation. With these in view, I turn to examine the clause of the article now in question.

It is said this provision has no application to any territory save that then belonging to the United States. I have already shown that, when the Constitution was framed, a confident expectation was entertained—which was speedily realized—that North Carolina and Georgia would cede their claims to that great territory which lay west of those States. No doubt has been suggested that the first clause of this same article, which enabled Congress to admit new States, refers to and includes new States to be formed out of this territory, expected to be thereafter ceded by North Carolina and Georgia, as well as new States to be formed out of territory north-west of the Ohio, which then had been ceded by Virginia. It must have been seen, therefore, that the same necessity would exist for an authority to dispose of and make all needful regulations respecting this territory, when ceded, as existed for a like authority respecting territory which had been ceded.

No reason has been suggested why any reluctance should have been felt by the framers of the Constitution to apply this provision to all the territory which might belong to the United States, or why any distinction should have been made, founded on the accidental circumstance of the dates of the cessions—a circumstance in no way material as respects the necessity for rules and regulations, or the propriety of conferring on the Congress power to make them. And if we look at the course of the debates in the Convention on this article, we shall find that the then unceded lands, so far from having been left out of view in procuring this article, constituted, in the minds of members, a subject of even paramount importance.

Again, in what an extraordinary position would such a construction of this clause place the territory which lay within the chartered limits of North Carolina and Georgia. The title was then claimed by those States, and by the United States; their respective claims are purposely left unsettled by the express words of this clause; and when cessions were made by those States, they were merely of their claims to this territory, the United States neither admitting nor denying the validity of those claims, so that it was impossible then, and has ever since remained impossible, to know whether this territory did or did not then belong to the United States; and consequently to know, whether it was within or without the authority conferred by this clause to dispose of and make rules and regulations respecting the territory of the United States. This attributes to the eminent men who acted on this subject a want of ability and forecast, or a want of attention to the known facts, upon which they were acting, in which I cannot concur.

There is not, in my judgment, anything in the language, the history or the subject matter of this article which restricts its operation to territory owned by the United States when the Constitution was adopted. And I am not aware that such a construction has ever before been suggested as even possibly true.

But it is also insisted that provisions of the Constitution respecting territory belonging to the United States do not apply to territory acquired by treaty from a foreign nation. This objection must rest upon the position that the Constitution did not authorize the Federal Government to acquire foreign territory, and consequently has made no provision for its government when acquired; or, that though the aquisition of foreign territory was contemplated by the Constitution, its provisions concerning the admission of new States, and the making of all needful rules and regulations respecting territory belonging to the United States, were not designed to be applicable to territory acquired from foreign nations.

It is undoubtedly true that, at the date of the treaty of 1803, between the United States and France, for the cession of Louisiana, it was made a question, whether the Constitution had conferred on the Executive Department of the Government of the United States power to acquire foreign territory by a treaty.

There is evidence that very grave doubts were then entertained concerning the existence of this power. But that there was then a settled opinion in the executive and legislative branches of the government that this power did not exist, cannot be admitted, without at the same time imputing to those who negotiated and ratified the treaty and passed the laws necessary to carry it into execution, a deliberate and known violation of their oaths to support the Constitution; and whatever doubts may then have existed, the question must now be taken to have been settled. Four distinct acquisitions of foreign territory have been made by as many different treaties, under as many different administrations. Six States, formed on such territory, are now in the Union. Every branch of this government, during a period of more than fifty years, has participated in these transactions. To question their validity now, is vain. As was said by Mr. Chief Justice Marshall, in the American Insurance Company vs. Carter, 1 Peters, 542, "The Constitution confers absolutely on the government of the Union the powers of making war and of making treaties; consequently that government possesses the power of acquiring territory, either by conquest or treaty." And, I add, it also possesses the power of governing it, when acquired. Not by resorting to suppositious powers, nowhere found described in the Constitution, but expressly granted, in the authority to make all needful rules and regulations respecting the territory of the United States.

There was to be established by the Constitution a frame of government, under which the people of the United States and their posterity were to continue, indefinitely. To take one of its provisions, the language of which is broad enough to extend throughout the existence of the government, and embrace all territory belonging to the United States throughout all time, and narrow it down to territory belonging to the United States when the Constitution was framed, while at the same time it is admitted that the Constitution contemplated and authorized the acquisition, from time to time, of other and foreign territory, it seems to me to be an interpretation as inconsistent with the nature and purposes of the instrument as it is with its language; and I can have no hesitation in rejecting it.

I construe this clause, therefore, as if it had read, Congress shall have power to make all needful rules and regulations respecting those tracts of country, out of the limits of the several States, which the United States have acquired, or may hereafter acquire, by cessions, as well of the jurisdiction as of the soil, so far as the soil may be the property of the party making the cession, at the time of making it.

It has been urged that the words "rules and regulations" are not appropriate terms in which to convey authority to make laws for the government of the territory.

But it must be remembered that this is a grant of power to the Congress—that it is, therefore, necessarily, a grant of power to legislate—and, certainly, rules and regulations respecting a particular subject, made by the legislative power of a country, can be nothing but laws. Nor do the particular terms employed, in my judgment, tend, in any degree, to restrict this legislative power. Power granted to a legislature to make all needful rules and regulations respecting the territory is a power to pass all needful laws respecting it.

The word regulate, or regulation, is several times used in the Constitution. It is used in the fourth section of the first article, to describe those laws of the States which prescribe the times, places and manner of choosing senators and representatives; in the second section of the fourth article, to designate the legislative action of a State on the subject of fugitives from service, having a very close relation to the matter of our present enquiry; in the second section of the third article, to empower Congress to fix the extent of the appellate jurisdiction of this Court; and, finally, in the eighth section of the first article are the words "Congress shall have power to regulate commerce."

It is unnecessary to describe the body of legislation which has been enacted under this grant of power; its variety and extent are well known. But it may be mentioned, in passing, that under this power to regulate commerce, Congress has enacted a great system of municipal laws, and extended it over the vessels and crews of the United States resident in China; and has established judicatures, with power to inflict even capital punishment within that country.

If, then, this clause does contain a power to legislate respecting the territory, what are the limits of that power?

To this the answer is, that in common with all the other legislative powers of Congress, it finds limits in the express prohibitions on Congress not to do certain things; that in the exercise of the legislative power, Congress cannot pass an ex-post facto law or bill of attainder; and so in respect to each of the other prohibitions contained in the Constitution.

Besides this, the rules and regulations must be needful. But undoubtedly the question whether a particular rule or regulation be needful must be finally determined by Congress itself. Whether a law be needful is a legislative or political, not a judicial question. Whatever Congress deems needful is so, under the grant of power.

Nor am I aware that it has ever been questioned that laws providing for the temporary government of the settlers on the public lands are needful, not only to prepare them for admission to the Union as States, but even to enable the United States to dispose of the lands.

Without government and social order, there can be no property; for without law its ownership, its use, and the power of disposing of it, cease to exist, in the sense in which those words are used and understood in all civilized States.

Since, then, this power was manifestly conferred to enable the United States to dispose of its public lands to settlers, and to admit them into the Union as States, when, in the judgment of Congress, they should be fitted therefor, since these were the needs provided for, since it is confessed that government is indispensable to provide for these needs, and the power is to make *all needful* rules and regulations respecting the territory, I cannot doubt that this is a power to govern the inhabitants of the territory, by such laws as Congress deems needful, until they obtain admission as States.

Whether they should be thus governed solely by laws enacted by legislative power conferred by Congress, is one of those questions which depend on the judgment of Congress—a question which of these is needful.

But it is insisted that whatever other powers Congress may have respecting the territory of the United States, the subject of negro slavery forms an exception.

The Constitution declares that Congress shall have power to make "*all* needful rules and regulations" respecting the territory.

The assertion is, though the Constitution says all, it does not mean all—though it says all, without qualification, it means all except such as allow or prohibit slavery. It cannot be doubted that it is incumbent on those who would thus introduce an exception not found in the language of the instrument to exhibit some solid and satisfactory reason, drawn from the subject matter, or the purposes and objects of the clause, the context, or from other provisions of the Constitution, showing that the words employed in this clause are not to be understood according to their clear, plain and natural signification.

The subject matter is the territory of the United States out of the limits of every State, and consequently under the exclusive power of the people of the United States. Their will respecting it, manifested in the Constitution, can be subject to no restriction. The purposes and objects of the clause were the enactment of laws concerning the disposal of the public lands and the temporary government of the settlers thereon until new States should be formed. It will not be questioned that, when the Constitution of the United States was framed and adopted, the allowance and the prohibition of negro slavery were recognised subjects of municipal legislation; and the only legislative act concerning the territory—the ordinance of 1787, which had then so recently been passed—contained a prohibition of slavery. The purpose and object of the clause being to enable Congress to provide a body of municipal law for the government of the settlers, the allowance or the prohibition of slavery comes within the known and recognised scope of that purpose and object. There is nothing in the context which qualifies the grant of power. The regulations must be "respecting the territory." An enactment that slavery may or may not exist there is a regulation respecting the territory. Regulations must be needful; but it is necessarily left to the legislative discretion to determine whether a law be needful. No other clause of the Constitution has been referred to the bar, or has been seen by me, which imposes any restriction, or makes any exception concerning the power of Congress to allow or prohibit slavery in the territory belonging to the United States.

A practical construction, nearly contemporaneous with the adoption of the Constitution, and continued by repeated instances through a long series of years, may always influence, and in doubtful cases should determine, the judicial mind on a question of the interpretation of the Constitution. Stuart vs. Laird, 1 Cranch, 269; Martin vs. Hunter, 1 Whea., 304; Cobens vs. Virginia, 6 Whea., 264; Prigg vs. Pennsylvania, 16 Pet., 621; Cooley vs. Port Wardens, 12 How., 315.

In this view I proceed briefly to examine the practical construction placed on the clause now in question, so far as it respects the inclusion therein of power to permit or prohibit slavery in the territories.

It has already been stated that after the Government of the United States was organized under the Constitution, the temporary government of the territory north-west of the river Ohio could no longer exist, save under the powers conferred on Congress by the Constitution. Whatever legislative, judicial or executive authority was exercised therein could be derived only from the people of the United States under the Constitution. And, accordingly, an act was passed on the 7th day of August, 1789 (1 Stats. at Large), which recites: "Whereas, in order that the ordinance of the United States, in Congress assembled, for the government of the territory north-west of the river Ohio, *may continue to have full effect*, it is required that certain provisions should be made, so as to adapt the same to the present Constitution of the United States." It then provides for the appointment by the President of all officers who, by force of the ordinance, were to have been appointed by the Congress of the Confederation, and their commission, in the manner required by the Constitution; and empowers the secretary of the territory to exercise the powers of the Governor in case of the death or necessary absence of the latter.

Here is an explicit declaration of the will of the first Congress, of which fourteen members, including Mr. Madison, had been members of the Convention which framed the Constitution, that the Ordinance, one article of which prohibited slavery, "should continue to have full effect." Gen. Washington, who signed this bill, as President, was the President of that Convention.

It does not appear to me to be important, in this connection, that that clause in the ordinance which prohibited slavery was one of a series of articles of what is therein termed a compact. The Congress of the Confederation had no power to make such a compact, nor to act at all on the subject; and after what had been so recently said by Mr. Madison on this subject, in the 38th number of the Federalist, I cannot suppose that he or any others who voted for this bill attributed any intrinsic effect to what was denominated in the ordinance a compact between "the original States and the people and States in the new territory"; there being no new States then in existence in the territory with whom a compact could be made, and the few scattered inhabitants, unorganized into a political body, not being capable of becoming a party to a treaty, even if the Congress of the Confederation had had power to make one touching the government of that territory.

I consider the passage of this law to have been an assertion by the first Congress of the power of the United States to prohibit slavery within this part of the territory of the United States; for it clearly shows that slavery was, thereafter, to be prohibited there, and it could be prohibited only by an exertion of the power of the United States, under the Constitution; no other power being capable of operating within that territory after the Constitution took effect.

On the 2d of April, 1790 (1 Stats. at Large, 106), the first Congress passed an act accepting a deed of cession by North Carolina of that territory afterwards erected into the State of Tennessee. The fourth express condition contained in this deed of cession, after providing that the inhabitants of the territory shall be temporarily governed in the same manner as those beyond the Ohio, is followed by these words: "*Provided always*, that no regulations made or to be made by Congress shall tend to emancipate slaves."

This provision shows that it was then understood Congress might make a regulation prohibiting slavery and that Congress might also allow it to continue to exist in the territory; and, accordingly, when, a few days later, Congress passed the act of May 20th, 1790 (1 Stats. at Large, 123), for the government of the territory south of the river Ohio, it provided, "and the Government of the territory south of the Ohio shall be similar to that now exercised in the territory north-west of the Ohio, except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session, entitled, 'An Act to accept a cession of the claims of the State of North Carolina to a certain district of western territory.'" Under the government thus established, slavery existed until the territory became the State of Tennessee.

On the 7th of April 1798 (1 Stats. at Large 649), an act was passed to establish a government in the Mississippi territory in all respects like that exercised in the territory north-west of the Ohio, "excepting and excluding the last article of the ordinance made for the government thereof by the late Congress on the 13th day of July, 1787." When the limits of this territory had been amicably settled with Georgia, and the latter ceded all its claim thereto, it was one stipulation in the compact of cession that the ordinance of July 13th, 1787, "shall in all its parts extend to the territory contained in the present act of cession, that article only excepted which forbids slavery." The Government of this territory was subsequently established and organized under the act of May 10th, 1800; but so much of the ordinance as prohibited slavery was not put in operation there.

LEGISLATIVE AND EXECUTIVE PRECEDENTS FOR THE PROHIBITION OF SLAVERY.

Without going minutely into the details of each case, I will now give references to two classes of acts, in one of which Congress has extended the ordinance of 1787, including the article prohibiting slavery, over different territories, and thus exerted its power to prohibit it; in the other, Congress has erected governments over territories, acquired from France and Spain, in which slavery already existed, but refused to apply to them that part of the government under the ordinance which excluded slavery.

Of the first class are the act of May 7th, 1800 (2 Stats. at Large 58), for the government of the Indiana Territory; the act of Jan. 11th, 1805 (2 Stats. at Large 309), for the government of Michigan Territory; the act of May 3d, 1809 (2 Stats. at Large 514), for the government of the Illinois Territory; the act of April 20th, 1836 (5 Stats. at Large 10), for the government of the Territory of Wisconsin; the act of June 12th, 1838, for the government of the Territory of Iowa; the act of Aug. 14th, 1848, for the government of the Territory of Oregon. To these instances should be added the act of March 6th, 1820 (3 Stats. at Large 548), prohibiting slavery in the territory acquired from France, being north-west of Missouri, and north of 36 deg. 30 min. north latitude.

Of the second class, in which Congress refused to interfere with slavery already existing under the municipal law of France or Spain, and established governments by which slavery was recognised and allowed, are: the act of March 26th, 1804 (2 Stats. at Large, 283), for the government of Louisiana; the act of March 2d, 1805 (2 Stats. at Large 322), for the government of the Territory of Orleans; the act of June 4th, 1812 (2 Stats. at Large, 743), for the government of the Missouri Territory; the act of March 30th, 1822 (3 Stats. at Large, 654), for the government of the Territory of Florida. Here are eight distinct instances, beginning with the first Congress and coming down to the year 1848, in which Congress has excluded slavery from the territory of the United States; and six distinct instances in which Congress organized governments of Territories by which slavery was recognised and continued, beginning also with the first Congress and coming down to the year 1822. These acts were severally signed by seven Presidents of the United States, beginning with General Washington, and coming regularly down so far as Mr. John Quincy Adams, thus including all who were in public life when the Constitution was adopted.

If the practical construction of the Constitution contemporaneously with its going into effect, by men intimately acquainted with its history from their personal participation in framing and adopting it, and continued by them through a long series of acts of the gravest importance, be entitled to weight in the judicial mind on a question of construction, it would seem to be difficult to resist the force of the acts above adverted to.

It appears, however, from what has taken place at the bar, that, notwithstanding the language of the Constitution, and the long line of legislative and executive precedents under it, three different and opposite views are taken of the power of Congress respecting slavery in the Territories.

One is that, though Congress can make a regulation prohibiting slavery in a Territory, they cannot make a regulation allowing it; another is that it can neither be established nor prohibited by Congress; but that the people of a Territory, when organized by Congress, can establish or prohibit slavery; while the third is that the Constitution itself secures to every citizen who holds slaves under the laws of any State the indefeasible right to carry them into any Territory and there hold them as property.

No particular clause of the Constitution has been referred to at the bar in support of either of these views. The first seems to be rested upon general considerations concerning the social and moral evils of slavery, its relations to republican governments, its inconsistency with the Declaration of Independence and with natural right.

The second is drawn from considerations equally general, concerning the right of self-government, and the nature of the political institutions which have been established by the people of the United States.

While the third is said to rest upon the equal right of all citizens to go with their property upon the public domain, and the inequality of a regulation which would admit the property of some and exclude the property of other citizens; and, inasmuch as slaves are chiefly held by citizens of those particular States where slavery is established, it is insisted that a regulation excluding slavery from a Territory operates, practically, to make an unjust discrimination between citizens of different States in respect to their use and enjoyment of the territory of the United States.

INTERPRETATION OF THE CONSTITUTION.

With the weight of either of these considerations, when presented to Congress to influence its action, this Court has no concern. One or the other may be justly entitled to guide or control the legislative judgment upon what is a needful regulation. The question here is whether they are sufficient to authorize this Court to insert into this clause of the Constitution an exception of the exclusion or allowance of slavery, not found therein, nor in any other part of that instrument. To ingraft on any instrument a substantive exception not found in it must be admitted to be a matter attended with great difficulty. And the difficulty increases with the importance of the instrument, and the magnitude and complexity of the interests involved in its construction. To allow this to be done with the Constitution, upon reasons purely political, renders its judicial interpretation impossible. Because judicial tribunals, as such, cannot decide upon political considerations. Political reasons have not the requisite certainty to afford rules of juridical interpretation. They are different in different men. They are different in the same men at different times. And when a strict interpretation of the Constitution, according to the fixed rules which govern the interpretation of laws, is abandoned and the theoretical opinions of individuals are allowed to control its meaning, we have no longer a Constitution; we are under the government of individual men who, for the time being, have power to declare what the Constitution is, according to their own views of what it ought to mean. When such a method of interpretation of the Constitution obtains, in place of a republican government with limited and defined powers, we have a government which is merely an exponent of the will of Congress; or, what, in my opinion, would not be preferable, an exponent of the individual political opinions of the members of this Court.

If it can be shown by anything in the Constitution itself that when it confers on Congress the power to make *all* needful rules and regulations respecting the territory belonging to the United States, the exclusion or the allowance of slavery was excepted, or if anything in the history of this provision tends to show that such an exception was intended by those who framed and adopted the Constitution to be introduced into it, I hold it to be my duty carefully to consider and to allow just weight to such considerations in interpreting the positive text of the Constitution. But where the Constitution has said needful rules and regulations, I must find something more than theoretical reasoning to induce me to say it did not mean all. There have been eminent instances in this Court, closely analogous to this one, in which such an attempt to introduce an exception not found in the Constitution itself has failed of success.

By the eighth section of the first article, Congress has the power of exclusive legislation in all cases whatsoever within this District.

In the case of Loughborough agt. Blake (5 Whea., 324) the question arose whether Congress has power to impose direct taxes on persons and property in this District. It was insisted that, though the grant of power was, in its terms, broad enough to include direct taxation, it must be limited by the principle that taxation and representation are inseparable. It would not be easy to fix on any political truth better established or more fully admitted in our country than that taxation and representation must exist together. We went into the war of the Revolution to assert it, and it is incorporated as fundamental into all American governments. But, however true and important this maxim may be, it is not necessarily of universal application. It was for the people of the United States, who formed the Constitution, to decide whether it should or should not be permitted to operate within this District. Their decision was embodied in the words of the Constitution; and as that contained no such exception as would permit the maxim to operate in this District, this Court, interpreting that language, held that the exception did not exist.

Again, the Constitution confers on Congress power to regulate commerce with foreign nations. Under this, Congress passed an act, on the 22d of December, 1807, unlimited in duration, laying an embargo on all ships and vessels in the ports, or within the limits and jurisdiction of the United States. No law of the United States ever pressed so severely upon particular States. Though the constitutionality of the law was contested with an earnestness and zeal proportioned to the ruinous effects which were felt from it, and though, as Mr. Chief Justice Marshall has said (9 Whea., 192), "no want of acuteness in discovering objections to a measure to which they felt the most deep-rooted hostility will be imputed to those who were arrayed in oppition to to this," I am not aware that the fact that it prohibited the use of a particular species of property, belonging almost exclusively to citizens of a few States, and this indefinitely, was ever supposed to show that it was unconstitutional. Something much more stringent, as a ground of legal judgment, was relied on—that the power to regulate commerce did not include the power to annihilate commerce.

But the decision was that under the power to regulate commerce, the power of Congress over the subject was restricted only by those exceptions and limitations contained in the Constitution; and as neither the clause in question, which was a general grant of power to regulate commerce, nor any other clause of the Constitution, imposed any restriction as to the duration of an embargo, an unlimited prohibition of the use of the shipping of the country was within the power of Congress. On this subject Mr. Justice Daniel, speaking for the Court in the case of United States vs. Marigold (9 How., 560), says: "Congress are, by the Constitution, vested with the power to regulate commerce with foreign nations; and however, at periods of high excitement, an application of the terms 'to regulate commerce,' such as would embrace absolute prohibition, may have been questioned, yet, since the passage of the embargo and non-intercourse laws, and the repeated judicial sanctions these statutes have received, it can scarcely at this day be open to doubt that every subject falling legitimately within the sphere of commercial regulation may be partially or wholly excluded, when either measure shall be demanded by the safety or the important interests of the entire nation. The power once conceded, it may operate on any and every subject of commerce to which the legislative discretion may apply it."

If power to regulate commerce extends to an indefinite prohibition of the use of all vessels belonging to citizens of the several States, and may operate, without exception, upon every subject of commerce to which the legislative discretion may apply it, upon what grounds can I say that the power to make all needful rules and regulations respecting the territory of the United States is subject to an exception of the allowance or prohibition of slavery therein?

While the regulation is one "respecting the territory"—while it is, in the judgment of Congress, "a needful regulation," and is thus completely within the words of the grant—while no other clause of the Constitution can be shown which requires the insertion of an exception respecting slavery, and while the practical construction for a period of upwards of fifty fifty years forbids such an exception, it would, in my opinion, violate every sound rule of interpretation to force that exception into the Constitution upon the strength of abstract political reasonsoning, which we are bound to believe the people of the United States thought insufficient to induce them to limit the power of Congress, because what they have said contains no such limitation.

Before I proceed further to notice some other grounds of supposed objection to this power of Congress, I desire to say that if it were not for my anxiety to insist upon what I deem a correct exposition of the Constitution, if I looked only to the purposes of the argument, the source of the power of Congress asserted in the opinion of the majority of the Court would answer those purposes equally well. For they admit that Congress has power to organize and govern the Territories until they arrive at a suitable condition for admission to the Union; they admit also that the kind of government which shall thus exist should be regulated by the condition and wants of each Territory, and that it is necessarily committed to the discretion of Congress to enact such laws for the purpose as that discretion may dictate, and no limit to that discretion has been shown or ever suggested, save those positive prohibitions to legislate which are found in the Constitution.

I confess myself unable to perceive any difference whatever between my own opinion of the general extent of the power of Congress and the opinion of the majority of the Court, save that I consider it derivable from the express language of the Constitution, while they hold it to be silently implied from the power to acquire territory. Looking at the power of Congress over the Territories as of the extent just described, what positive prohibition exists in the Constitution which restrained Congress from enacting a law in 1820 to prohibit slavery north of 36 degress 30 minutes?

The only one suggested is that change in the fifth article of the amendments of the Constitution, which declares that no person shall be deprived of his life, liberty, or property, without due process of law. I will now proceed to examine the question whether this clause is entitled to the effect thus attributed to it. It is necessary, first, to have a clear view of the nature and incidents of that particular species of property which is now in question.

Slavery, being contrary to natural right, is created only by municipal law. This is not only plain in itself, and agreed to by all writers on the subject, but is inferable from the Constitution itself, and has been explicitly declared by this Court. The Constitution refers to slaves as "persons held to service in one State under the laws thereof." Nothing can more clearly describe a *status* created by municipal law. In Prigg vs. Pennsylvania, 10 Pet., 611, this Court said, "The State of slavery is deemed to be a mere municipal regulation, founded on and limited to the range of territorial laws." In Rankin vs. Lydia, 2 Marsh, 12, 470, the Supreme Court of Appeals of Kentucky said, "Slavery is sanctioned by the laws of this State, and the right to hold them under our municipal regulations is unquestionable. But we view this as a right existing by positive law of municipal character, without foundation in the law of nature, or the unwritten common law." I am not acquainted with any case or writer questioning the correctness of this doctrine. See also 1 Burge Col. and For. Laws, 738–741, where the authorities are collected.

The *status* of slavery is not necessarily always attended with the same powers on the part of the master. The master is subject to the supreme power of the State, whose will controls his action towards his slave, and this control must be defined and regulated by the municipal law. In one State, as at one period of the Roman law, it may put the life of the slave into the hand of the master: others, as those of the United States, which tolerate slavery, may treat the slave as a person when the master takes his life; while in others, the law may recognise a right of the slave to be protected from cruel treatment. In other words, the *status* of slavery embraces every condition, from that in which the slave is known to the law simply as a chattel, with no civil rights, to that in which he is recognised as a person for all purposes, save the compulsory power of directing and receiving the fruits of his labour. Which of these conditions shall attend the *status* of slavery must depend on the municipal law which creates and upholds it.

And not only must the *status* of slavery be created and measured by municipal law, but the rights, powers and obligations which grow out of that *status* must be defined, protected and enforced by such laws. The liability of the master for the torts and crimes of his slave, and of third persons for assaulting, or injuring, or harbouring, or kidnapping him, the forms and modes of emancipation, suits for freedom, the capacity of the slave to be party to a suit, or to to be a witness, with such police regulations as have existed in all civilized States where slavery has been tolerated, are among the subjects upon which municipal legislation becomes necessary when slavery is introduced.

Is it conceivable that the Constitution has conferred the right on every citizen to become a resident on the territory of the United States with his slaves, and there to hold them as such, but has neither made nor provided for any municipal regulations which are essential to the existence of slavery?

Is it not more rational to conclude that they who framed and adopted the Constitution were aware that persons held to service under the laws of a State are property only to to the extent and under the conditions fixed by those laws; that they must cease to be available as property when their owners voluntarily place them permanently within another jurisdiction, where no municipal laws on the subject of slavery exist; and that, being aware of these principles, and having said nothing to interfere with or displace them, or to compel Congress to legislate in any particular manner on the subject, and having empowered Congress to make all needful regulations respecting the territory of the United States, it was their intention to leave to the discretion of Congress what regulations, if any, should be made concerning slavery therein. Moreover, if the right exists, what are its limits, and what are its conditions? If citizens of the United States have the right to take their slaves to a Territory, and hold them there as slaves, without regard to the laws of the territory, I suppose this right is not to be restricted to the citizens of slaveholding States. A citizen of a State which does not tolerate slavery can hardly be denied the power of doing the same thing. And what law of slavery does either take with him to the Territory? If it be said to be those laws respecting slavery which existed in the particular State from which the slave last came, what an anomaly is this! Where else can we find, under the law of any civilized country, the power to introduce and permanently continue diverse systems of foreign municipal law for holding persons in slavery? I say, not merely to introduce, but permanently to continue these anomalies. For the offspring of the female must be governed by the foreign municipal laws to which the mother was subject; and when any slave is sold, there must pass with him, by a species of subrogation, and as a kind of unknown *jus in re*, the foreign municipal laws which constituted, regulated and preserved the *status* of the slave before his exportation. Whatever theoretical importance may be now supposed to belong to the maintenance of such a right, I feel a perfect conviction that it would, if ever tried, prove to be as impracticable in fact as it is, in my judgment, monstrous in theory.

I consider the assumption which lies at the basis of this theory to be unsound; not in its just sense, and when properly understood, but in the sense which has been attached to it. That assumption is, that the territory ceded by France was acquired for the equal benefit of all the citizens of the United States. I agree to the position. But it was acquired for their benefit in collective, not their individual capacities. It was acquired for their benefit as an organized political society, subsisting as "the people of the United States" under the Constitution of the United States; to be administered justly and impartially and as nearly as possible for the equal benefit of every individual citizen, according to the best judgment and discretion of the Congress, to whose power, as the legislature of the nation which acquired it, the people of the United States have committed its administration. Whatever individual claims may be founded on local circumstances, or sectional differences of condition, cannot, in my opinion, be recognised in this Court, without arrogating to the judicial branch of the government powers not committed to it; and which, with all the unaffected respect I feel for it, when acting in its proper sphere, I do not think it fitted to wield.

Nor, in my judgment, will the position, that a prohibition to bring slaves into a Territory deprives any one of his property without due process of law, bear examination.

It must be remembered that this restriction on the legislative power is not peculiar to the Constitution of the United States; it was borrowed from *Magna Charta*;

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*It was published in a newspaper at Philadelphia, in May, and a copy of it was sent by R. H. Lee to Gen. Washington, on the 15th of July. See p. 262 Cor. of Am. Rev., vol. 4, p. 174 and Writings of Washington, vol. 9.

was brought to America by our ancestors as part of their inherited liberties and has existed in all the States, usually in the very words of the great charter. It existed in every political community in America in 1787, when the ordinance prohibiting slavery north and west of the Ohio was passed.

And if a prohibition of slavery in a Territory in 1820 violated this principle of *Magna Charta*, the ordinance of 1787 also violated it; and what power had, I do not say the Congress of the Confederation alone, but the Legislature of Virginia, or the Legislatures of any or all the States of the Confederacy, to consent to such a violation? The people of the States had conferred no such power. I think I may at least say, if the Congress did then violate *Magma Charta* by the ordinance, no one discovered that violation. Besides, if the prohibition upon all persons, citizens as well as others, to bring slaves into a Territory, and a declaration that if brought they shall be free, deprives citizens of their property without due process of law, what shall be say of the legislation of many of the slaveholding States which have enacted the same prohibition. As early as October, 1778, a law was passed in Virginia that, thereafter no slave should be imported into that Commonwealth by sea or by land; and that every slave who should be imported should become free. A citizen of Virginia purchased in Maryland a slave who belonged to another citizen of Virginia, and removed with the slave to Virginia. The slave sued for her freedom and recovered it; as may be seen in Wilson agt. Isabell, 5 Coll's R., 425. See also Hunter agt. Hulsher, 1 Leigh, 172; and a similar law has been recognised as valid in Maryland, in Stewart agt. Oaks, 5 Har. and John, 107. I am not aware that such laws, though they exist in many States, were ever supposed to be in conflict with the principles of *Magna Charta* incorporated into the State Constitutions. It was certainly understood by the Convention which framed the Constitution, and ever since, that, under the power to regulate commerce, Congress could prohibit the importation of slaves, and the exercise of the power was restrained till 1808. A citizen of the United States owns slaves in Cuba, and brings them to the United States, where they are set free by the legislation of Congress. Does this legislation deprive him of his property without due process of law? If so, what becomes of the laws prohibiting the slave trade? If not, how can a similar regulation respecting a Territory violate the fifth amendment of the Constitution?

Some reliance was placed by the defendant's counsel upon the fact that the prohibition of slavery in this Territory was in the words, "that slavery, &c., shall be and is hereby *forever* prohibited." But the insertion of the word *forever* can have no legal effect. Every enactment not expressly limited in its duration continues in force until repealed or abrogated by some competent power, and the use of the word "forever" can give to the law no more durable operation. The argument is, that Congress cannot so legislate as to bind the future States formed out of the Territory, and in this instance it has attempted to do so. Of the political reasons which may have induced the Congress to use these words, and which caused them to expect that subsequent Legislatures would confirm their action to the general opinion of the country that it ought to be permanent, this Court can take no cognizance.

However fit such considerations are to control the action of Congress, and however reluctant a statesman may be to disturb what has been settled, every law made by Congress may be repealed, and, saving private rights and public rights gained by States, its repeal is subject to the absolute will of the same power which enacted it. If Congress had enacted that the crime of murder, committed in this Indian territory north of 36 deg. 30 min., by or on any white man, should *forever* be punishable with death, it would seem to me an insufficient objection to an indictment, found while it was a Territory, that at some future day States might exist there, and so the law was invalid, because by its terms it was to continue in force forever. Such an objection rests upon a misapprehension of the province and power of Courts respecting the constitutionality of laws enacted by the Legislature.

If the Constitution prescribe one rule, and the law another and different rule, it is the duty of Courts to declare that the Constitution, and not the law, governs the case before them for judgment. If the law include no case save those for which the Constitution has furnished a different rule, or no case which the Legislature has power to govern, then the law can have no operation. If it include cases which the Legislature has power to govern, and concerning which the Constitution does not prescribe a different rule, the law governs those cases, though it may, in its terms, attempt to include others, on which it cannot operate. In other words, this Court cannot declare void an act of Congress which constitutionally embraces some cases, though other cases within its terms are beyond the control of Congress or beyond the reach of that particular law. If, therefore, Congress had power to make a law excluding slavery from this territory while under the exclusive power of the United States, the use of the word "forever" does not invalidate the law so long as Congress has the exclusive legislative power in the territory.

But it is further insisted that the treaty of 1803, between the United States and France, by which this territory was acquired, has so restrained the constitutional powers of Congress that it cannot, by law, prohibit the introduction of slavery into that part of this territory north and west of Missouri, and north of 36 deg. 30 min. north latitude.

By a treaty with a foreign nation, the United States may yet fully stipulate that the Congress will or will not exercise its legislative power in some particular manner, on some particular subject. Such promise, when made, should be voluntarily kept, with the most scrupulous good faith. But that a treaty with a foreign nation can deprive the Congress of any part of the legislative power conferred by the people, so that it no longer can legislate as it was empowered by the Constitution to do, I more than doubt.

The powers of the Government do and must remain unimpaired. The responsibility of the Government to a foreign nation for the exercise of those powers is quite another matter. That responsibility is to be met, and justified to the foreign nation, according to the requirements of the rules of public law, but never upon the assumption that the United States had parted with or restricted any power of acting according to it's own free will, governed solely by its own appreciation of it duty. The second section of the fourth article is: "This Constitution and the laws of the United States which shall be made in pursuance thereof, and all the treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land."

This has made treaties part of our municipal law; but it has not assigned to them any particular degree of authority, nor declared that laws so enacted shall be irrepealable. No supremacy is assigned to treaties over acts of Congress. That they are not perpetual and must be in some way repealable, all will agree.

If the President and the Senate alone possess the power to repeal or modify a law found in a treaty, inasmuch as they can change or abrogate one treaty only by making another inconsistent with the first, the Government of the United States could not act at all, to that effect, without the consent of some foreign government. I do not consider—I am not aware it has ever been considered—that the Constitution has placed our country in this helpless condition. The action of Congress in repealing the treaties with France by the act of July 7, 1798 (1 Stats. at Large, 578), was in conformity with these views. In the case of Taylor et al. agt. Morton (2 Curtis's Cir. Ct. R., 454), I had occasion to consider this subject, and I adhere to the views there expressed.

If, therefore, it were admitted that the treaty between the United States and France did contain an express stipulation that the United States would not exclude slavery from so much of the ceded territory as is now in question, this Court could not declare that an act of Congress excluding it was void by force of the treaty. Whether or not a case existed sufficient to justify a refusal to execute such a stipulation would not be a judicial, but a political and legislative question, wholly beyond the authority of this Court to try and determine. It would belong to diplomacy and legislation, and not to the administration of existing law. Such a stipulation in a treaty, to legislate or not to legislate in a particular way, has been repeatedly held in this Court to address itself to the political or the legislative power, by whose action thereon this Court is bound. Foster agt. Nielson, 2 Peters, 314; Garcia agt. Lee, 12 Peters, 519.

But, in my judgment, this treaty contains no stipulation in any manner affecting the action of the United States respecting the territory in question. Before examining the language of the treaty, it is material to bear in mind that the part of the ceded territory lying north of 36 deg. 30 min., and west of the present State of Missouri, was then a wilderness, uninhabited save by savages, whose possessory title had not then been extinguished.

It is impossible for me to conceive on what ground France could have advanced a claim, or could have desired to advance a claim, to restrain the United States from making any rules and regulations respecting this territory which the United States might think fit to make, and still less can I conceive of any reason which would have induced the United States to yield such a claim. It was to be expected that France would desire to make the change of sovereignty and jurisdiction as little burdensome as possible to the then inhabitants of Louisiana, and might well exhibit even an anxious solicitude to protect their property and persons, and secure to them and their posterity their religious and political rights; and the United States, as a just government, might readily accede to all proper stipulations respecting those who were about to have their allegiance transferred. But what interest France could have in uninhabited territory, which, in the language of the treaty, was to be transferred, "forever and in full sovereignty," to the United States, or how the United States could consent to allow a foreign nation to interfere in its purely internal affairs, in which that foreign nation had no concern whatever, is difficult for me to conjecture. In my judgment, this treaty contains nothing of the kind.

The third article is supposed to have a bearing on the question. It is as follows: "The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizenship of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion they profess."

There are two views of this article, each of which, I think, decisively shows that it was not intended to restrain the Congress from excluding slavery from that part of the ceded territory then uninhabited. The first is that, manifestly, its sole object was to protect individual rights of the then inhabitants of the territory. They are to be "maintained and protected in the free enjoyment of their liberty, property, and the religion they possess." But this article does not secure to them the right to go upon the public domain ceded by the treaty, either with or without their slaves. The right or power of doing this did not exist before or at the time the treaty was made. The French and Spanish Governments, while they held the country, as well as the United States, when they acquired it, always exercised the undoubted right of excluding inhabitants from the Indian country, and of determining when, and on what conditions, it should be opened to settlers. And a stipulation, that the then inhabitants of Louisiana should be protected in their property, can have no reference to their use of that property where they had no right, under the treaty, to go with it, save at the will of the United States. If one who was an inhabitant of Louisiana at the time of the treaty had afterward taken property then owned by him, consisting of fire-arms, ammunition and spirits, and had gone into the Indian country north of 36 degrees 30 minutes, to sell them to the Indians, all must agree the third article of the treaty would not have protected him from indictment under the act of Congress of March 30, 1802 (2 Stat. at Large, 139), adopted and extended to this territory by the act of March 26, 1804 (2 Stat. at Large, 283).

Besides, whatever rights were secured were individual rights. If Congress should pass any law which violated such rights of any individual, and those rights were of such a character as not to be within the lawful control of Congress under the Constitution, that individual could complain, and the act of Congress, as to such rights of his, would be inoperative; but it would be valid and operative as to all other persons whose individual rights did not come under the protection of the treaty. And, inasmuch as it does not appear that any inhabitant of Louisiana, whose rights were secured by treaty, had been injured, it would be wholly inadmissible for this Court to assume, first, that one or more such cases may have existed; and, second, that if any did exist, the entire law was void, not only as to those cases, if any, in which it could not rightfully operate, but as to all others, wholly unconnected with the treaty, in which such law could rightfully operate.

But it is quite unnecessary, in my opinion, to pursue this enquiry further, because it clearly appears from the language of the article, and it has been decided by this Court, that the stipulation was temporary, and ceased to have any effect when the then inhabitants of the Territory of Louisiana, in whose behalf the stipulation was made, were incorporated into the Union.

In the case of New Orleans vs. De Armas et al. (9 Peters, 223), the question was, whether a title to property, which existed at the date of the treaty, continued to be protected by the treaty after the State of Louisiana was admitted to the Union. The third article of the treaty was relied on. Mr. Chief-Justice Marshall said: "This article obviously contemplates two subjects. One that Louisiana shall be admitted into the Union as soon as possible, on an equal footing with the other States; and the other, that, till such admission, the inhabitants of the ceded territory shall be protected in the free enjoyment of their liberty, property and religion. Had any of these rights been violated while these stipulations continued in force, the individual supposing himself to be injured might have brought his case into this Court under the twenty-fifth section of the Judicial Act. But this stipulation ceased to operate when Louisiana became a member of the Union, and its inhabitants were 'admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States.'"

The cases of Choteau vs. Margurita, 12 Peters, 507, and Permoli vs. New Orleans, 3 How., 589, are in conformity with this view of the treaty.

To convert this temporary stipulation of the treaty in behalf of ceded French subjects, who then inhabited a small portion of Louisiana, into a permanent restriction upon the power of Congress to regulate territory then uninhabited, and to assert that it not only restrains Congress from affecting the rights of property of the ceded inhabitants, but enabled them and all other citizens of the United States to go into any part of the ceded territory with their slaves, and hold them there, is a construction of this treaty so opposed to its natural meaning, and so far beyond its subject-matter and the evident design of the parties, that I cannot assent to it. In my opinion, this treaty has no bearing on the present question.

For these reasons I am of opinion that so much of the several acts of Congress as prohibited slavery and involuntary servitude within that part of the Territory of Wisconsin lying north of 36 deg. 30 min. north latitude, and west of the Mississippi, were constitutional and valid.

I have expressed my opinion and the reasons therefor, at far greater length than I could have wished, upon the different questions on which I have found it necessary to pass to arrive at a judgment on the case at bar. These questions are numerous, and the grave importance of some of them required me to exhibit fully the grounds of my opinion. I have touched no question which, in the view I have taken, it was not absolutely necessary for me to pass upon, to ascertain whether the judgment of the Circuit Court should stand or be reversed. I have avoided no question on which the validity of that judgment depends. To have done either more or less would have been inconsistent with my duty.

In my opinion the judgment of the Circuit Court should be reversed and the cause remanded for a new trial.

DOWNING TEACHING JUDGE TANEY LAW.

To the Editor of The Evening Post.

Dear Sir: I put it to the honour of Americans, in view of all that the coloured American has had to endure, if history affords an instance of a people who have stood up in virtue and morality, in general character, as has the coloured American.

Read! fellow-Americans—read the decision of our Supreme Court. Its Judges seem to have lost sight of all moral obligation—to have forgotton that there is a God, and that God has written on the consciences of men that "black men" have rights "which white men are bound to respect." Cicero declares that "whatever is *just* is the true law, nor can this true law be abrogated by any written enactments."

I desire to refer to some of the positions of the Court; it says that "no one can be a citizen of the United States unless under the provisions of the Constitution"; this leads us to look for the provision alluded to; but I look in vain, and come to the conclusion that if there be a "citizen of the United States," I am one, though a coloured man; that I am "a natural-born citizen," being one acknowledged and so regarded by at least the little State of Rhode Island.

Congress has the power to establish a "uniform rule of naturalization"; but this has reference to aliens, not to native subjects. I do not regard it as affecting me. The term "citizen of the United States" occurs but three times in the Constitution—first, in article first, section second, where it is used in reference to the eligibility to the office of Representative, it says that a person must have been "seven years a citizen of the United States"; again, the third section of the same article says, relative to the eligibility of Senator, that he must have been for "nine years a citizen of the United States"; then again, in article second, section first, relative to the eligibility to the office of President, it says, "no person except a *natural-born citizen*, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible thereto." These are the only instances in which the term "citizen of the United States" is used.

In the absence of any constitutional definition as to who are citizens of the United States; of a definition as to any difference between a citizen of a State and a citizen of the United States; in view of article 4th, section 2d of the Constitution, which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States"; with the fact that others than those who were citizens of the United States at the time of the adoption of this Constitution have been elected to the Presidency; with the fact that all persons that have been received as Senators and Representatives have been in the light of citizenship; by virtue of the same fact that makes me a citizen of the State of Rhode Island, with no other qualification, except as to the number of years that they have been citizens, we seal the argument, and are forced to Judge Story's declaration, who says that "every citizen of a State is *ipso facto* a citizen of the United States."

Judge Taney and his Court declare that it is "true that every person and every class and description of persons at the time of the adoption of the Constitution, regarded as citizens of the several States, became citizens of this new political body." I will give a case as sufficient; more might be given to prove that "black men" were so regarded at the time of the adoption of the Constitution. Paul Cuffe, the son of a native African, who was born in this country, refused, in 1778, to pay a Massachusetts collector a personal tax, unless he were allowed to enjoy the whole rights of citizenship. The matter reached the Legislature, and a declaration went forth, previous to the adoption of the Constitution, securing to "black men" all the privileges belonging to other citizens, and they have enjoyed them ever since. When Massachusetts adopted the Constitution, one of the ideas which led her to do so was contained in the article of the Constitution above quoted, which declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

We have the testimony of the Constitution that we can have "native-born citizens"; let us see what testimony we can produce as to the minds of those that debated upon the formation of this Constitution. In the records of the debate upon the Federal Constitution, June 11, 1787, Mr. Wilson proposed in the matter of "equitable ratio of representation" the following words: "In proportion to the *whole* number of *white* and other *free* citizens and inhabitants of any age, sect and condition, including those bound to service for a term of years, and three-fifths of all other persons not comprehended in the foregoing description"; here you will observe that there is a distinction in their minds; the *whole* number of *white* citizens and *other* free *citizens*, which must have referred to *black citizens*; then you will observe, by reference to the Constitution, that all distinction as to complexion in the matter of citizenship was rejected.

James Madison, in the *Federalist*, says, "because it is only under the pretext, that the laws have transformed the negroes into subjects of property, that a place is disputed them in the computation of members; and *it is admitted*, that if the laws" "were to restore the rights which have been taken away, the negroes could no longer be refused an equal share in representation with other inhabitants." The rights taken away, above spoken of, was by the holding of certain persons as slaves in certain States, and did not apply to any person not a slave; it is a well-known fact that there were many free coloured persons previous to, and at the time of the adoption of the Constitution.

Mr. King, in the Massachusetts Convention to ratify the Constitution (he being one of the members of the Convention which drafted it), said, in reply to a question, "That all persons born free were to be considered freemen." Mr. Wilson, of Pennsylvania, before the Convention of his State, for the ratification of the Constitution (he, like Mr. King, being one of the original Convention), speaking of the existence of slavery in some of the States, and of the General Government over it, remarked: "I am sorry that it could be extended no further, but, so far as it operates, it presents us with the pleasing prospects that the rights of mankind will be acknowledged and established throughout the Union"; you must bear in mind that at that time all parties looked to the early decrease of slavery.

We have official acknowledgment of the fact that there can be coloured "citizens of the United States." I give the following:

"Legation of the United States of America in England—Passport No. 23.

"The undersigned, Envoy Extraordinary and Plenipotentiary of the United States of America to the Court of the United Kingdom of Great Britain and Ireland, begs all whom it may concern, to allow safely and freely to pass, and, in case of need, to give aid and protection to, Mr. William W. Brown, a citizen of the United States going on the Continent." (Signed)

"For the Minister, C. B. Davis, Secretary of Legation."

My father-in-law, George de Grasse, once a subject of Great Britain, was, in 1804, naturalized; the concluding part of his papers reads as follows: "Geo. de Grasse was thereupon, pursuant to the laws of the United States in such cases made and provided, admitted by said court to be, and he is accordingly to be, considered a citizen of the United States." John Remond, father of Charles L. Remond, obtained naturalization papers in 1811, which declares him to be "a citizen of the United States." Robert Purvis and wife received a passport under the seal of the Secretary of State, in 1834, certifying and calling them citizens of the United States; the Rev. Peter Williams received, March 1836, a passport from John Forsyth, Secretary of State, declaring him to be a citizen of the United States; many more instances might be given in which the United States citizenship of coloured persons has been acknowledged.

It is clearly evident that this Court, at its decision, has had more regard to the wishes of the South than to the rights of man, or to the demands of the Constitution, or to the better interests of the North. What resource have we? How can we put down an arbitrary power, and from which there is no appeal? We might invoke the spirit of 1776; but let us first try what shame will do. Let Rhode Island, let the North be consistent in all its political relations with the coloured men in their midst. This, I think, will affect a bloodless victory for right and the country, and attach us even more strongly.

G. T. D.

Providence, March 12.

National Anti-Slavery Standard.

WITHOUT CONCEALMENT—WITHOUT COMPROMISE.

NEW YORK, SATURDAY, MARCH 28, 1857.

THE PROOF OF THE PUDDING.

In commenting upon the recent decision of the Supreme Court in the Dred Scott case, we referred to the rule of our Southern masters, one never varied from, to test always the obedience of the North, either when she really complains that her burden was greater than she could bear, or when the load laid upon her patient shoulders is so heavy that she might be expected to complain. In other and homelier words, the South always proves her pudding according to the proverb. It may be a very good pudding, fair to look upon, round as a ball, unbroken as a globe, smooth as glass, and smoking hot—but the proof, after all, is in the eating thereof; the good maker is not deceived by the outside; a fair seeming does not satisfy her; she must plunge into its depths for the evidence she needs; she eats the pudding, and thus proves it. Do not accuse us of treating a serious matter lightly. Proverbs are epitomes of the wisdom of ages, and sometimes one of these pithy sentences illustrates more completely than columns can do the wisdom of an action which is universally in accordance with it.

The Dred Scott case is decided; the Supreme Court makes the law of the land, so far as they could, in a decision of this case, the monstrous doctrine which Judge Kane was the first to promulgate, and profess to be governed by, in the seat of a Judge. We, at the North, have had our say about it; the *Tribunes* have blustered; the *Journals* have sneered; the *Couriers* have solemnly argued; one class has thundered in indignant words; another has protested in meek humility; a third has given apprehensive warning of trouble to come; all are moved. It is desirable to know, say the overseers, just what these "niggers" mean; are they moved even to the point of seizing the whip which is laid on their backs? Let us see.

We beg the intelligent reader to consider for five minutes the character of the decision of the Supreme Court; how it ignores all history; how it sets all law at defiance; how it outrages common sense; how it scorns all humane pretences; how it tramples upon the plainest principles of the Christian religion; how it laughs at liberty; how it scoffs at democracy; and how it scouts all Northern pretension to freedom of thought, or freedom of act, or freedom of conscience. And consider then that the March in which all this was done has counted out but little more than half its thirty-one days ere, under the very eyes, and within the reach of the very hands of some hundreds of thousands of grown men, to whose faces all these things have been said, there appeared first in Boston a slave-hunter, in search of a man who had lived there for years, a respectable, a thrifty, an honourable man—the free citizen of a free State, who helped to make Governors and Mayors and other officials, more or less worthy—who paid taxes, and, probably, supported the preaching of the Gospel like any other well-to-do and respectable citizen—a man like any other man who goes daily down State street, or on Sundays into the broad aisle of the Rev. Dr. Adams's Church—but who this slave-hunter was to take, if he found him, back to the South to drag out his weary life hereafter as a mere chattel slave.

Boston stands where it did eighty years ago, and the tide into which her people once threw a cargo of tea still rolls into her harbour. Have they thrown a man into it this time? Not at all. In all probability the slave-hunter has the best rooms in the Revere House—it may be, like Daniel Webster, is entertained only for the honour done by his presence; perhaps he has dined with Judge Loring, and Edward Everett invited to meet him; perhaps asked to say grace over parson Adams's breakfast table, or to lead in prayer in any Bible Class or Sunday School where his hungry soul might lead him to seek a meal of spiritual cold victuals. And how is it with the man whom he seeks? The Vigilance Committee, as the best thing they can do, and notwithstanding the Personal Liberty Law of Massachusetts, hurry him off, as fast as steam can carry him, to where British Law and Lord Palmerston's Government will give him a refuge. If the slave-hunter had got hold of him, he would have been taken back to Virginia as sure as there is a monument on Bunker's Hill.

Nor is this all. A scoundrel of the same sort was prowling about this city nearly all last week, in search of two fugitives. The particular villain who is known, of all our policemen, for his past services in the perpetration of wickedness of this sort, was seen, *during the day*—he knew too well to go there in the evening—lurking about, in company with a white fellow, in those streets where the coloured people congregate. The pair were slave-hunting here in New York, one of them sent, at this particular moment, to test our obedience to the powers that be, and also show us the precise measure of our opposition to the decision of the Supreme Court.

If the two poor wretches had been found, does anybody think that New York would have raised her hand in anger, or bowed her head in humiliation? Not a bit of it. The quantity of dough in this particular pudding, which the mistress has just proved, has as many ounces to the pound as ever.

The Honest Anti-Slavery Germans of Wisconsin can't learn the Yankee trick of serving God and the Devil at the same time. They don't like the new Personal Liberty law of Wisconsin, not being able, in their weak simplicity, to comprehend the consistency with the Declaration of Independence of a statute which proposes to refer to a jury the question whether a man is a man or a chattel. The Fon du Lac *Commonwealth*, speaking of the law, says:

"The reason our German editors do not go in for it, we suppose to be they have escaped the withering education that has been lied into the most of the people of this country, and therefore they take plain English, when they learn it, to mean just what it reads, and do not, therefore, see any use in supposing the intentions of slaveholders are the Constitution, instead of the plainly written Articles thereof. They have n't yet learned that the word 'person' in one part of the instrument means a free white man, and in another a dark-skinned slave. A man must be in this country some time, and batter his cranium very hard to expel the common sense, before he can see that anomaly real plain. Our German friends, not having been educated in this sort of self-stultification, are just verdant enough to suppose that a man from Kentucky should have the same right as one from Germany. Our white-livered Republicans suppose they can concede the enslavement of the blacks, and still maintain their own rights. But the honest German is unfashionable enough to hold that the same *principle* that would send a black man to Kentucky wouldn't scruple to send him to Germany, or to Botany Bay, if it would pay a good per cent., either in cash or in popularity among aristocrats, on the investment."

POLITICS IN PENNSYLVANIA.

The Founder of Pennsylvania united in his own person the character of Christian, statesman, gentleman and scholar. Educated at the University of Oxford, and the intimate friend of his king, he sacrificed, from conscientious motives, both honour and emolument, and, abandoning his native England, came to the wilderness to lay, on a philosophical basis, the foundations of a freer and nobler Commonwealth than the world had yet seen. He has left, for the admiration of posterity, one of the few great characters which history has portrayed without a blemish; for the attempts of Macaulay (said to have arisen from personal enmity to the religious sect of which Penn was a "bright, particular star") have ended in the total discomfiture of the writer, and not a little to his damage as an accurate and reliable historian.

In accordance with this beginning was the whole early career of the Commonwealth. The Quakers, together with the early German settlers who were attracted to that region by a similarity of thought and feeling with the English founders, set the first example of emancipation in the Colonies, and the former, imitating the example of Warner Mifflin, Joseph Gilbert and others, soon made non-slaveholding a condition of membership in the sect. The whole State followed shortly after, and Pennsylvania enjoys the proud honour of being the first of the Colonies to abolish this barbarous institution, having preceded even Massachusetts in that wise and humane measure.

Having abolished slavery, in accordance with the principle of human equality on which her action was founded, she conferred the elective franchise on all her citizens, without distinction of colour, thus acknowledging, by her actions, her fealty to the principle, afterwards explicitly assumed as a national one, that all governments derive "their just powers from the consent of the governed."

The petition to the first Congress of the old Pennsylvania Society for the Abolition of Slavery, signed by the President of that Society, Dr. Franklin, concludes with these words:

"From a persuasion that equal liberty was originally the portion and is still the birthright of all men, and influenced by the strong ties of humanity and the principles of their institution, your memorialists conceived themselves bound to use all justifiable endeavours to loosen the bonds of slavery, and promote a general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your serious attention to the subject of slavery; that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone, in this land of freedom, are degraded into perpetual bondage, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote justice and mercy toward this distressed race, and that you will step to the very verge of the power vested in you, for discouraging every species of traffic in the persons of our fellow men."

Pending the consideration of this petition, Mr. Scott, a member of Congress from that State, used the following language:

"I cannot, for my part, conceive how any person can be said to acquire a property in another; is it by virtue of conquest? What are the rights of conquest? Some have dared to advance this monstrous principle, that the conqueror is absolute master of the conquest; that he may dispose of it as his property, and treat it as he pleases; but enough of those who reduce men to the state of transferable goods, or use them like beasts of burden, who deliver them up as the property of another man! Let us argue on principles countenanced by reason and becoming humanity; the petitioners view the subject in a religious light, but I do not stand in need of religious motives to induce me to reprobate the traffic in human flesh; other considerations weigh with me to support the commitment of the memorial, and to support every constitutional measure likely to bring about its total abolition."

During the agitation attendant on the effort for farther ascendency made by the South, and obtained through the passage of the Missouri Compromise, she instructed her members of the Federal Congress, by a unanimous vote of her Legislature (Democrats and Federalists uniting in perfect harmony in this vital measure), to oppose the further extension of slavery over free soil, and the ablest speech made on the side of liberty during that memorable struggle was delivered by her representative, John Sargent.

Behold her now. Low adventurers, for the most part, fill her places of honour, whose "statesmanship" consists in the practice of whatever means they deem best calculated to insure their elevation to or continuance in office; and the Presidential chair is for the first time occupied by an unscrupulous demagogue from within her borders, whose skill in flattering the vanity of the base and ignorant rivals that of Napoleon the Little, who has obtained his present position solely through his servility to the slaveholding Oligarchy, and who, surrounded by his Southern masters and his Northern fellow-doughfaces, will do his best to degrade her below even her present debased and humiliating position.

The whole machinery of the State is infested (our readers will pardon the comparison—if not elegant, it has the merit, at least, of being appropriate)—the whole machinery of the State is infested, in every nook and cranny, with pettifogging politicians, desirous of sucking her life-blood, as an old bedstead is infested with vermin, whose offensiveness does not cease even with their destruction.

The word "white" has been inserted in that clause of her Constitution which regulates the elective franchise, by a self-styled "Reform Convention," and the coloured children of the State have been herded in separate schools, under the charge of teachers, in many instances better qualified as swine-herds than as moulders of mind, though the snobs who lord it over them are frequently copyists so faithful and literal of Southern manners that it is no uncommon thing to find that among them, the

"————alba ligustra cadunt,
Vaccinia nigra leguntur."

But in no other manner is the present degraded and humbled condition of Pennsylvania so dramatically exhibited as in her arrangements for the execution of the Fugitive Slave law. In the famous Independence Hall of that venerable building, the old State House, at Philadelphia, was signed (as every one knows) the Declaration of Independence, the completion of which ceremony was marked by the ringing of the celebrated Liberty Bell, which formerly hung in the belfry, but is now placed on a pedestal in this apartment. The rim of the bell (which, by the way, was used while Pennsylvania was yet a Colony) bears, in raised letters, the glorious words, "Proclaim liberty throughout all the land, unto all the inhabitants thereof." In the same edifice is the room from which the United States Commissioner sends back to hopeless bondage all such fugitives from the slavery worse than death which "our Southern brethern" impose upon them, as her slave-catching Ingrahams and Browns, together with their understrappers, succeed in scenting and seizing, a fact which should crimson the cheek of every citizen of that State with the glow of indignant shame.

The most discouraging fact in the premises, however, is the apparent tame acquiescence of her people in this disgraceful state of affairs. There are, we well know, no more faithful Abolitionists to be found in the country than many who are labouring in behalf of the cause in that State, and a few of her journals speak out, now and then, in a manly and energetic manner concerning the outrages inflicted upon her ancient honour, but the vast majority of her people either quietly submit to the indignities cast upon her or openly join in eulogizing "this glorious Union," by means of which they are brought down to abject submission at the footstool of her haughty Southern masters.

Coloured Children in the Schools of Boston.—The following letter from a member of the School Committee of Boston, addressed to a citizen of Providence, will show that the abolition of separate schools for coloured people has not produced the frightful consequences anticipated by certain nervous gentlemen of that State.

"Boston, Feb. 10, 1857.

"Geo T. Downing, Esq.—*Dear Sir*: Your note came to hand yesterday. I infer that your inquiry has reference to the admission of coloured children into the public schools of this city. In reply, I would say that the result, so far as I can learn, has been very satisfactory. It has put to rest the question which has agitated the community for years, and no complaints are heard from either party. The district under my immediate care, having one grammar school and six or eight primary schools, embraced a large portion of our coloured population. At first, some few parents seemed dissatisfied with the admission of coloured children; but they were soon satisfied that no harm was done to their children, and I have not heard of but one or two children that have been taken from school on this account. I am not aware that the 'reform' has in the least affected the prosperity of our schools. They are as popular and as fully attended as before the change was made.

"Among the pupils there has not, to my knowledge, been an unpleasant occurrence. The teachers say they have no difficulty whatever. In short, I hear no complaints. My own conviction is, that the change will prove a decided advantage to the coloured children, and no disadvantage to the whites.

"Very respectfully yours, Wm. Howe."

THE ANTI-SLAVERY ADVOCATE.

The [London] *Anti-Slavery Advocate* for March opens with a letter from the Rev. George Armstrong, of Bristol, to *The Examiner*, in which the writer takes exception to the remarks, eulogistic of the government and people of the United States for their "earnestness in the cause of freedom," delivered by Alderman Sheppard at the public demonstration at Portsmouth upon the delivery of the Arctic ship "Resolute" to the British authorities. Mr. Armstrong justly characterizes a portion of the Alderman's speech "as gross, culpable, and most un-English flattery," and he counsels the liberal press of his country to be vigilant in "preserving intact the purity and elevation of the national sentiment in reference to the freedom, civilization and happiness" of the people of colour. He assures them that such vigilance and national jealousy for liberty are not without their deep interest and value where they would most desire to impress them, and, by way of illustration, recalls an incident which many of our readers will remember.

"Every line of reprehension or of seeming condonation or connivance which actuates our British publicists has its corresponding effect of encouragement, and otherwise, in the right or the wrong way, on the part of those brethren abroad whose influence is so vast in dispensing the weal or woe of unnumbered multitudes of the human race. It is partly through your assistance and courtesy I have had personal knowledge of this fact. It is now several years since I had the honour of commenting in your columns—so long ago, I think, as the Autumn of 1852—on some similar escapade by an American visitor at the Cutler's Annual Feast at Sheffield, when Mr. Ellis Gray Loring, of Boston, United States, the visitor in question, to whose boastful words about American freedom I drew attention, did me the honour of addressing me a letter, afterwards inserted in *The Examiner*, of admirable candour, apologizing for those expressions, and testifying with a just pride to his own life-long devotion to the cause of the oppressed African in his country; and fully acknowledging the justice of my animadversions, and the indiscretion and want of recollection too often evinced by public speakers, when called upon to express themselves on such occasions of national compliment and comparison."

The next article is a letter from the Rev. Edward Mathews, exposing, in the light of irrefragable facts, the pretence set up by the Rev. Mr. Jobson, late a delegate from the Methodists of England to those of the United States, that the Northern Methodist Church is anti-slavery. Mr. Mathews shows that the Wesleyans in England have not dealt faithfully with their brethren in America, but have, through their deputations, from time to time, strengthened the hands of the pro-slavery party.

"What is an Abolitionist?" is the title of the next article (editorial), in which the writer marks and vindicates the distinctive characteristics of abolitionism as understood and proclaimed by the American Anti-Slavery Society. The writer says:

"We have been accused of partisanship in our advocacy of the anti-slavery cause. We admit the charge. We *are* partisans. We take our side and stick to it. So is every one who takes up any cause heartily, who makes up his mind as to the best principles and modes of action by which it should be conducted, and acts accordingly. Every man who adopts and adheres to any kind of religious opinions, who joins any sect or party, is a 'partisan,' and his conduct and opinions will be more or less coloured by the character and course of the body to which he adheres. Being liable to mortal weakness, we are, of course, subject to the tendency of all men to magnify and over-estimate the importance of our cause, the dignity of our object, the character of our fellow-labourers. But we do our best to attain to just views in these respects. For every page we read in favour of the American Anti-Slavery Society and its adherents, we read at least another in opposition to them (which is more than most partisans pretend to do), and thus we try to correct our own partiality.

"But, it will be said, 'You do not fairly exhibit the efforts of other opponents of slavery who endeavour to attain the same object in a different way.' We reply that we are *partial* to the means we consider the best, and therefore we give them prominence. Our space is small, and we have no time to spend in pointing out a longer way round, when we think we know and can point our readers to a shorter way for the attainment of our common object."

The remaining articles in this number are copied from American papers, and are well adapted to inform, encourage and invigorate the anti-slavery sentiment of Great Britain.

CHANCELLOR KENT AND GENERAL JACKSON.

We have the testimony of both these eminent men in favour of the citizenship of coloured men. Chancellor Kent, in the following passage from his Commentaries (vol. ii., p. 258, *note*), makes the matter as clear as daylight.

"Perhaps, after all, the question [whether a negro is or is not a citizen of the United States] depends more on a verbal than on an essential distinction. It is certain that the Constitution and Statute Law of New York (Const., art. 2, N. Y. Revised Statutes, vol. 1, p. 126, sec. 2) speak of men of colour as being *citizens*, and capable of being freeholders, and entitled to vote. And if, at common law, all human beings born within the leigeance of the king, and under the king's obedience, were natural-born subjects and not aliens, I do not perceive why this doctrine does not apply to these United States, in all cases in which there is no express constitutional or statute declaration to the contrary. Blacks, whether born free or in bondage, if born under the jurisdiction and allegiance of the United States, are natives, and not aliens. They are what the common law terms natural-born subjects. Subject and citizen are, in a degree, convertible terms as applied to natives; and though the term *citizen* seems to be appropriate to republican freemen, yet we are, equally with the inhabitants of all other countries, *subjects*, for we are equally bound by allegiance and subjection to the government and law of the land.

"The privilege of voting, and the legal capacity for office, are not essential to the character of a citizen, for women are citizens without either; and free people of colour may enjoy the one, and may acquire, and hold, and devise, and transmit, by hereditary descent, real and personal estates. The better opinion I should think was, that negro or other slaves, born within and under the allegiance of the United States, are natural-born subjects, but not citizens. *Citizens*, under our Constitution and laws, means free inhabitants, born within the United States, or naturalized, under the laws of Congress. If a slave, born in the United States, be manumitted, or otherwise lawfully discharged from bondage, or if a black man be born within the United States, and born free, he becomes thenceforward a citizen, but under such disabilities as the laws of the States respectively may deem it expedient to prescribe to free persons of colour."

With the jurist agrees the soldier—the soldier, too, to whom Judge Taney owes his place on the Supreme Bench. While the immense British force was approaching Louisiana, in 1814, Gen. Jackson learned that among its ranks were regiments of coloured men, and he wished to excite the sentiment of loyalty in the bosoms of the coloured people of that State. It was a time of great extremity, when the aid of every American who could bear arms was needed. On the 21st of September, 1814, he issued from his Headquarters at Mobile an address "To the Free Coloured Inhabitants of Louisiana," in which he said:

"Through a mistaken policy you have heretofore been deprived of a participation in the glorious struggle for national rights in which *our* country is engaged. This shall no longer exist."

"As sons of freedom, you are called upon to defend *our* most inestimable blessing. *As Americans, your country* looks with confidence for a valorous support," &c.

"*Your country*, although calling for your exertions, does not wish you to engage in her cause without remunerating you for the services rendered," &c.

In another part of his address, he says to them, "You will, undivided, receive the applause and gratitude of *your countrymen*." Again, he said, "To assure you of the sincerity of my intentions, and my anxiety to engage *your invaluable services to our country*, I have communicated my wishes to the Governor of Louisiana," &c.

In an address which he issued to his coloured soldiers, on the 18th of December, Gen. Jackson said:

"When, on the banks of the Mobile, I called you to take up arms, inviting you to partake the perils and glory of your WHITE FELLOW-CITIZENS, *I expected much from you*; for I was not ignorant that you possessed qualities most formidable to an invading enemy. I knew with what fortitude you can endure hunger and thirst, and all the fatigues of a campaign. *I knew well how you loved* your native country, and that you, as well as ourselves, had to defend what *man* holds most dear—his parents, wife, children, and property. You have done more than I expected. In addition to the previous qualities I before knew you to possess, I found among you a *noble enthusiasm*, which leads to the performance of great things."

But Kent and Jackson wrote, as the Albany *Evening Journal* well says, "in the pre-Taney dark ages. Catron had not then dawned upon the universe, nor had the Virginia Daniel yet come to judgment." The same paper thus describes the effect of the decision of the slaveholders' Court.

"What is it to be a Citizen? Judge Kent says it is to be 'a free inhabitant.' All free inhabitants—men and women—are citizens. He that is not a citizen must be either an alien or a slave. He that is not a citizen cannot inherit house or land. He cannot receive them by devise while he lives, nor bequeath them by his will when he dies. The property given to him reverts to the State. The property he leaves reverts to the State. His wife has no dower. His children have no inheritance. He cannot come into the Courts for redress. He can neither sue to recover rights nor to obtain debts. He can hold no trust and exercise no guardianship. He can be hanged or sent to jail, but he cannot sit in the jury box. He cannot be naturalized unless he is white; cannot acquire rights by staying in this country, nor can he have a passport to go to any other. Only by special statute can any of these disabilities be removed, and even special statutes cannot remove them all. Such is the condition of him who is not a citizen, under the Common Law, and such is defined to be the condition of every free coloured man and woman, by the Supreme Court of the United States—that Supreme Court which strains every nerve to catch a single slave, but does not scruple a moment to disfranchise half a million freemen!"

WHAT SHALL BE DONE!

The Milwaukee *Free Democrat* is the most radical and earnest of all the Republican papers in the country. In answer to the question, "What is the duty of anti-slavery men at this crisis?" it says:

"If they submit to this slaveholding interpretation, the Constitution will be practically what Garrison declares it to be in theory—'a covenant with death and an agreement with hell!' The Constitution of the United States was overridden by the Supreme Court the moment they made their present decision. The Constitution is the same, but the official interpretation has made it the instrument of tyranny. Under its shield, the slaveholder can bring his slave into the Territories, and hold him at his pleasure. Under this Constitution, the black man is made an outlaw—unable to institute any suit in the Courts of the United States.

"Men and Patriots! This is no time for mere bluster; it is time for action. Let us have an immediate assembling of the people to proclaim their sentiments, and discuss a plan of operation for the future. Our task is the overthrow of this decision of the Supreme Court. This Court has made war upon Liberty, it has exterminated it from the General Government, and we must either impeach that Court or see the work of years scattered to the winds. This is no time for timid counsels—something must be done, and that immediately—if we wish to preserve the Rights of the States, and the Liberties of the Nation. Freedom has been declared *unconstitutional*, and the free States have been outlawed, while Slavery rears its monstrous head in every portion of the Union. Toombs's boast, that he will yet call the roll of his slaves beneath the shadow of Bunker Hill monument, will soon be realized. The next decision in the Lemmon case will enable him to do it, with all the powers of the United States supporting him in his claim.

"Tame acquiescence in this decision will not only pave the way for greater usurpations, but will render our efforts of opposition to slavery nugatory. This decree of the Court strikes at the basis of the Republican and Free Soil platforms. If all laws restricting slavery are unconstitutional, it is foolish to advocate their passage. The Republican party, and all parties, in fact, that merely advocate the *restriction* of slavery in the Territories, have been taken in the rear by the flank movement of the enemy, and had their basis of operation destroyed. Henceforth, the movement in favour of slavery restriction is untenable—the only ground which the opponents of slavery can occupy is the renovation of the Supreme Court and the total abolition of slavery under Federal jurisdiction.

"We must have immediate consultation and action, and we trust that the many fearless men that composed the Anti-Slavery party of old will be adequate to the task, and rise up in their vigour and manhood, so long obscured by temporizing policy."

The *Free Democrat* will soon be convinced, we hope, that there is no remedy for the outrage it deplores which does not involve the overthrow of the Union and the organization of a free Government.

KANSAS.

The question whether Kansas shall be admitted as a slave or free State is well-nigh settled. This paper, as our readers can bear us witness, has never expressed any doubt upon the subject, and is, therefore, under no necessity of any expression of disappointment. Our faith in the courage and the conduct of the South, and the pusillanimity of the North, has never, for a moment wavered. One party is in earnest and determined, as on a question of life and death, to carry its point. The other had a preference to gratify, for which it was willing to expend some money, and hoped, in the end, it would turn out a good investment. What result was to be expected? What, indeed, was inevitable? "Bleeding Kansas," though uttered sincerely and feelingly by thousands of Northern people, was a mere catch-word to the mass. "Kansas a slave State," was a real, earnest, living purpose to every man, woman and child south of Mason and Dixon's line. Of course they succeeded.

Gov. Geary, as probably our readers know, has resigned, and is now in Washington. Although he says the Free State men are in the majority in the Territory, a contest on their part is hopeless against the combined forces of the Border Ruffians and the Federal Government. The Free State men have apparently come to the same conclusion. The Free State Convention at Topeka has resolved to take no part in the ensuing election of delegates to the Convention, ordered by the Stringfellow Legislature, for the purpose of adopting a State Constitution. Of course, then, the Pro-Slavery party will have it all their own way; will have a most easy work in framing a pro-slavery Constitution; and will only have to ask to be received by a pro-slavery Congress as a slave State.

Slavery or Freedom in Oregon.—The following extract from a letter to *The Independent*, dated Lane County, Oregon, Jan. 15th, conveys information that will interest all our readers.

"During the past season Republican associations have been formed in many of the Counties, primary meetings frequently held, demonstrating the existence of a strong, though latent, public sentiment, which would have actively coöperated with the dominant party in 'the States,' had the late Administration party been defeated. The growth of this feeling, however, was of too tender and delicate a degree to withstand the pressure of defeat, and it is to be feared will now be utterly 'crushed out.'

"The real, earnest advocates of slavery, not only in the abstract, but in the actual, and its immediate introduction here, are a far more numerous and influential class than has been commonly supposed, and their capability for mischief should not be sneeringly depreciated. Many others, not committed to that side of the question, see a chance for speculation in the certainty that many will then leave Oregon for California, and, in the 'panic,' farms, improvements and other property must be sold at a sacrifice.

"A recent number of *The Independent* contained the statement that there are now 100 slaves in Oregon. I think this is not strictly correct, although many coloured persons are here rendering service, *quasi* slaves undoubtedly; but *slaves*, or persons claimed to be such, have been set at liberty here, under the judgment of our Courts. One case was related to me, not long since, by Chief-Justice Williams.

"And yet we have some *real* slaveholders here, the slaves remaining in Missouri and other slave States, all which would, of course, be imported as soon as Congress legalizes it here. It is very uncertain what would be the result of a vote taken to-day in this Territory as to the admission of slavery. An intelligent 'Old Oregonian,' formerly a member of the Legislature, and a gentleman of close and careful observation, told me yesterday he very much feared a majority would favour the proposition. But a truce to these lucubrations on this dark subject in its brightest aspects. In these *intercisiva tempora*, the closest calculation is but little better than the most loose conjecture.

"I ought to mention in this connection, however, as matter of history, that our Territorial Legislature, now in session, has passed an act submitting to the people, at the next election, the question of a State Government, and providing for the election of delegates at the same time, so confident are they of its passage; and a bill is now pending before the Legislature to submit to the people, at *the same time*, the question of slavery or no slavery as a constitutional provision. This bill, *in this form*, will not pass, however, I think, as the Constitution itself, on the vote for its final adoption, would then encounter the opposition of the defeated party on the slavery issue. But in some different form the same question may be presented. If the issue is presented, one or two papers now here are certain to espouse the pro-slavery side, and a prominent member of the present Legislature has made an offer to give $1,000 toward establishing another press. Our future looks a little ominous."

A New Plank in the Democratic Platform.—The following statute, recently enacted by the bogus Legislature of Kansas, is a new plank sawed out of the Democratic log, to be incorporated at once, of course, into the platform of the party.

An Act to Punish Rebellion.

Be it enacted by the Governor and Legislative Assembly of Kansas.

Section 1. If *two* or more persons shall combine, by force, to usurp the Government of this Territory, or to overturn the same, or to *interfere* forcibly with the administration of the government, *or any department thereof*, evinced by forcible attempts within the Territory to accomplish such purpose, the person so offending shall be deemed guilty of Rebellion, and *shall suffer death*, or confinement and hard labour.

Sec. 2. If twelve or more persons shall conspire to levy war against *any part of the people of this Territory*, they shall be deemed guilty of Rebellion, and, on conviction, *shall suffer death*, or confinement and hard labour.

Sec. 3. If two or more persons shall *conspire* to remove forcibly out of this Territory, *or from their habitations*, any *portion* of the people of this Territory, *evidenced* by the taking arms and *assembling* to accomplish such purpose, they shall be deemed guilty of Rebellion and punished as in the last section specified.

SEC. 4. Confinement and hard labour as provided for in this act shall not exceed *twenty years*.

This act to take effect and be in force from and after its passage.

To the Editors of The National Anti-Slavery Standard.

I SEND you "the Address" which was delivered "to the people" of the little Unitarian Church in Washington upon the occasion of the Ordination of our friend Conway, some two years ago.

Mr. Conway, as you may know, is now settled in charge of the Unitarian Church in Cincinnati, having been dismissed from the Washington Church on account of his preaching for God's poor held in worse than Israelitish bondage.

Some of the Washington people have published a pamphlet about him, for what reason, except to show their own untenable position, I do not know. Mr. C.'s notice of the pamphlet you will find in the last number of *The Christian Inquirer*. As he makes some allusion to his ordination services, and to my share in the same, it has occurred to me that "the address to the people," which I then delivered, may as well be printed as a little link in the history of a Church which our friend tried to make a Christian Church, and did not succeed.

If you agree with me, the Address is at your service for THE STANDARD.

Need I add that I consider the statement of M. D. C. in the last *Christian Inquirer* as a satisfactory reply to the Washington pamphlet?

Faithfully yours, W. H. FURNESS.

Philadelphia, March 23, 1857.

Address to the People at Mr. Conway's Ordination in Washington, February 28, 1855.

As, upon this occasion, when our young friend, formally and with accompanying religious services, takes upon himself the office of pastor of this flock—as, naturally enough, he must be deeply impressed with the greatness of the duty which he owes to you, it is but fair that you, my friends, of this Christian society, should be reminded, in all kindness and respect, of the duty which you owe to him, upon the faithful performance of which the successful discharge of his duty very seriously depends. Let me now utter this word of friendly admonition.

I am not going to speak to you—it is quite needless—of the importance to your minister of a cordial reception and a liberal support *out of the pulpit*. In these respects, I believe you never have been otherwise than most prompt and forward. It was my happiness, some twenty years ago, to spend a short time in this city and to preach in this church; and the impression which that brief visit made upon me, and which, although many a venerable presence has vanished from among you, all that I have known of this Society since has only kept fresh and vivid, was, that, few as you might be in number and limited as you might be in means, your minister would never want the animation that comes from being surrounded by intelligent and warm-hearted friends.

It is *in this* pulpit that the main duty of your minister is to be performed. And here in this place your great duty to him lies. He is to stand here and preach truth—truth, not opinions, not private speculations, but the truth which Jesus uttered and which God speaks—the truth which, in his inmost heart, every man admits even when he repels its application with the utmost violence, and although he evades it and ignores or sneers at it as an impracticable abstraction. Truth, your minister is bound to preach upon that responsibility to God and his own conscience, for the disregard of which nothing on earth, no world-wide popularity, no luxurious ease, no uncounted gold can make him any amends. And he is bound to preach truth in the honest and self-renouncing love of it, taking care neither needlessly to irritate, on the one hand, nor meekly to compromise and conciliate, on the other.

As he is thus bound to speak truth, so are you as sacredly bound, upon the same responsibility, to hear truth from his lips. When he speaks the truth in truth, in freedom and in love, when you see that he speaks with a single and understanding mind, then just as truly as he is bound to utter what he knows and what you know to be true are you bound to listen to what he says. For then he speaks with that authority which belongs to every true man, to every true word, an authority which is higher than any earthly thrones, offices and constitutions, which all men must obey and all men do obey, sooner or later, even though they rise upon him who is charged with it and crucify him on the spot; the sooner even, in this case, because they do but accelerate its recognition, and the speaker of truth rises by their means into the martyr of truth, sealing his commission with his blood, and turning the grim cross on which he expires into a sacred symbol, before which kings and nations bow. The authority of truth is the authority of God. There is nothing higher, nothing so high as that. By the grace of God, that must conquer and reign, let who may suffer, and let the opposition to it be never so mighty and so obstinate.

Your great duty, then, in this place, is *to hear*; a very plain duty, and at first sight very easy, hardly anything easier than to sit quietly and listen; but, in reality, it is a very hard duty, even though your minister should speak with the tongue of an angel, and it will require the highest considerations of religion and humanity to enable you to perform it faithfully. A most difficult duty indeed is this, in these days, to hearken to the truth, and for a reason so obvious that one might as well try to veil the sun or exhaust the air as to keep it out of sight. The fact is that the truth which your minister is bound to declare—the central and animating life of the Christian religion, without which it shrivels into nothing, the Golden Rule, the truth which Jesus preached and for which he suffered death, the truth which is enforced by every reasonable and generous dictate of our nature, the truth which is to the moral world what the law of gravitation is to the material world, *the law of simple justice and common humanity*—has been and is violated in this land upon a scale the most stupendous, and all the sanctions of formal legislation are resorted to, to protect and perpetuate the violation, already guarded by the interests, the passions and the prejudices of men. Accordingly it has become dangerous to property and liberty to discharge those simple offices of humanity which Jesus enjoined in words the most emphatic; and the exercise of the most precious privilege of our social order, freedom of speech, is called in question. In this state of things, to hearken with attention and candour to the appeals of Christian truth is hard and dangerous also. Nevertheless, I counsel you, friends and brethren, I charge you, be faithful to the sacred obligation which is upon you thus to hearken to the words of the Lord Jesus. Fear not that it will peril the prosperity, the existence of this Church. What is this Church worth, or how can it deserve the name, if it will not endure the voice of Christ and of humanity, pleading within its walls for "the least of his brethren," bought, sold and hunted? Recognise, clearly and solemnly, not only the right, but the plain Christian duty of your minister to plead with his whole soul for justice and mercy; and help him to discharge it by your earnest and faithful attention. If it annoys, if it irritates, if it offends you, still, for God's sake and for man's, for your own souls' sake, *hear* him. Here he stands to speak the truth which is the Eternal word, God help him! "He that hath the word of the Lord, let him speak that word faithfully," and do you listen as faithfully, with open and earnest minds. "What is the chaff to the wheat? saith the Lord." All else is chaff in comparison with Truth.

One thought, my friends, that should move us all to listen patiently, candidly and to the uttermost to the truth is that the simple injunction, "He that hath ears to hear, let him hear," is, of all things, the one thing which, if faithfully obeyed, will ensure the abolition of all wrongs, the vindication of all rights, the kingdom of God and his righteousness. The advocates of what is just and humane ask only to be *heard*. All that remains, after a thorough *hearing*, may be cheerfully left to the enlightened intelligence and the awakened conscience of the land. All that the sacred and world-renowned cause of Humanity—that cause consecrated by the blood of patriots, saints and martyrs—that cause for the triumph of which the whole civilized world groans, being in travail—all that it asks here and now is a *faithful hearing*. Once more, then, when your minister pleads for justice and humanity, listen to him; listen not only with patience, but with fervent good-will; and as you listen, you will hear in the voice of Truth the voices of your own hearts, the voice of Him who taught that mercy to the weakest is the best homage that can be paid to the Highest. You will hear the voice of God approving and blessing, and calling you to share in his power and partake of the divine peace and the divine nature.

LITTELL'S LIVING AGE, No. 670, opens with an exceedingly interesting Narrative of Dr. Livingstone's Discoveries in South Africa, filling over twenty pages. It contains also Part 12 of "The Fortunes of Glencore." The number closes the fifty-second volume.

THE ANTI-SLAVERY CHURCHMAN.—This is the title of a journal, the second number of which (in part) has been sent to us by a friend. It is published at Geneva Lake, Wisconsin, edited by the Rev. J. McNamara, and published by Leland and Utter. It bears at its head, as a motto, the text, "Envy thou not the oppressor, and choose none of his ways." The number before us bears date Nov. 22, 1856. We had no previous knowledge of the existence of such a paper, and do not know if it is still in existence; but if we can get it in exchange for THE STANDARD, we will give it another notice. As its title indicates, it is designed to meet the wants of anti-slavery Episcopalians. The presses of that Church, so far as we know, either ignore the slavery question altogether, or treat it in a manner unworthy alike of its importance and of the spirit of Christianity. We hope this new paper may live to rebuke the sin of that Church in lending its support to slavery.

THE KANSAS STRUGGLE OF 1856.—This is the title of a pamphlet just published by the American Abolition Society, 48 Beekman street. It embodies many important historical facts, which it employs in support of the peculiar views of that Society as to the relations of the National Government to Slavery.

From our Boston Correspondent.

NO. CCVI.

THE ARGUMENT.—The Correspondent recommendeth to the editors a Work of Gov. Gardner—He discourseth on the Natural History of Fast Day—And how it affecteth the ministers—Of Steam Ecclesiastic, Safety Valves and Boilers—He expoundeth the Proclamation, and marvelleth at the Gubernatorial unwisdom—Of the clerical element in late improvements of the doctrine of Election—He telleth of the prescriptions made up for the State—He approveth of a Multitude of Counsellors—He describeth the one which is committed—And the dreadful threats of its friends—He encourageth the Republicans—He telleth of the Slave-hunt which did not come off—He rebuketh Mr. Buchanan for his ingratitude to Mr. Hallett—But commendeth him for re-appointing Freeman—He is treasonous and concludeth with unpleasant remarks touching Judge Taney and Brigadier Andrews, &c. &c. &c.

BOSTON, March 23, 1857.

HAVE you seen our Massachusetts Excellency's Proclamation for a Day of Fasting, Humiliation and Prayer? It is worth your reading. As a general rule I should not recommend Governor Gardner's Works to the perusal of my friends as things either edifying or entertaining. But this one is both. It has stirred up the Clergy of the State as with a long pole, and they growl and even show their teeth and threaten to bite, such is their just provocation at its impertinence. You know that Fast Day and Thanksgiving Day have always been regarded as the Ministers' holidays, when they were allowed to say just what came into their heads, as to war, rum, niggers or anything else, usually tabooed, and the weightier members of the church were expected either to stay at home or to take what they got patiently, without stamping their way out of meeting, slamming the doors of the pew and the house after them as they went. These days were regarded as a kind of safety valve to let off the steam ecclesiastic, which, if allowed no vent at all, might burst the pastoral boiler and scatter confusion and destruction all around the pews, and perhaps utterly blow up the church. So conservative an institution as this should have been respected by a wise magistrate, and it is surprising that a pilot that has weathered so many storms and managed to trim his sails and his course so dexterously as to come three times into the pleasant harbour which his soul loveth, as Gov. Gardner hath done, should run upon the rock he has—the rather as he had to go out of his way to do it, not to say to put the rock there on purpose.

It was thought highly proper that Governor Gardner should proclaim a day of Humiliation, Fasting and Prayer, since we certainly have cause enough for the first; and if we could hope to get rid of these causes by virtue of the two last, the people of the State will not be found slow to make trial of them. One of our causes of Humiliation this Proclamation will be likely to help to remove from the possibility of ever issuing another. The rock of offence against which his Excellency hath broken his gubernatorial shins is to be looked for in that part of the State Paper where he exhorts the Clergy to beware of political and secular topics, but to confine themselves to the application of truth to the hearts of their hearers severally and not jointly. Considering that his Excellency owes that superlative epithet to his seal against the Catholics and his horror of the interference of Church with State, it seems ever so little odd that he should thus undertake to thrust the State into the domain of the Church. And it is not odd at all that the clergymen should regard his advice in this matter as a piece of impertinence, pure and simple, and look upon him as a busybody in other men's matters. And as the clerical element was no mean one in the ingredients of the No Popery cauldron by the ebullition of which his Excellency was brought, by the usual operation of the laws of political chemistry, to the top, it was a great blunder on his part not to have let it alone. Many of them, I am assured, have expressed their determination not to read it from the pulpit, as the wont is, on the Sunday before Fast. If they do, I trust they will preach a fiery anti-slavery sermon on top of it, by way of improving the text.

Our Know-Nothing doctors have gone so far in their endeavours to patch up the Constitution of our poor old mother as to get two out of their three prescriptions ready to be offered to her, if she will take them, that being a not unimportant preliminary to her permanent cure. One is to district the State anew for Senators, and to divide it into Representative districts, thus abandoning the old plan of Town Representation. This would reduce the Multitude of our Counsellors considerably—from some four hundred to a hundred and fifty or thereabouts. This seems to be a rational proposition, on the face of it; but I am not sure that the old way is not the more excellent one, after all. The chance of the mere politician is less now than it would be under the proposed scheme, and in their very multitude there is more chance of escaping the log-rolling which is the vice of our legislation everywhere. Another is to exclude from the ballot-box persons unable to read and write, with certain exceptions meant to protect those now in enjoyment of that chief glory of the land. The third, which was to require a residence of fourteen years as the qualification of a voter, has been referred to a Committee in the Senate by a large vote, which is regarded by its friends and enemies as a *coup de grace*, which effectually puts it out of its pain forever. This is regarded as a serious blow to Know-Nothingism and the chief muftis of that sect affirm that it will revive the agitation of the foreigner question and make Mr. Gardner Governor for another year. This is, indeed, a dreadful alternative, and it shows a good deal of pluck on the part of the Republicans to have done anything that should risk its happening. But I rather think the Republicans feel strong enough to have a Governor of their own choosing next year, the rather that it is now plain enough that they might have had one last year, if they had had the courage to make the attempt. The other two amendments will soon be submitted to the people and settled by their decision. As I do not think my personal chance of an election to the general Court will be increased thereby, and as I learned to read and write at an early age, I feel no particular interest in the result.

You have seen in the world's papers, no doubt, that we have had an alarm of slave-hunters here. There is every reason to believe that this report was entirely correct. The reasons for believing it I cannot prudently spread before you, on account of your large circulation in the Southern States, and the insight it might give the slave-catchers into the mysteries of the Vigilance Committee and the secrets of the Underground Railway. It is enough to say that the evidence of slave-catching intent came from several distinct and independent quarters. It is believed that the hounds had actually started on the scent, when they found that their prey had escaped them, and had to return with their tails between their legs, dolorous and malcontent. The man had been ten years away from slavery, but thought that he could not be safe nearer than Canada. And I think he was quite right. As a lover of the Union, you will be pained to hear that Mr. Buchanan has removed our faithful District Attorney, Benjamin F. Hallett, from his office. When we remember how earnest and thorough he has been in his vocation—how he announced at the Faneuil Hall Meeting for the Ratification of the Fugitive Slave Law that he was ready to issue a Warrant for the arrest of a slave, if no other Commissioner could be found to do it—how he behaved at the time of the examination of the malefactors suspected of having helped Shadrach out of the fiery furnace—how he helped in the matter of Sims, and how he was omnipotent in that of Burns, we cannot but marvel that the Ingratitude of Republics could have reached such a pitch as to cut off so useful a head. Mr. Woodbury, however, the son of the Judge, is to be relied on for the willingness of his spirit; how it will be as to the weakness of his flesh, time alone can show.

And this treatment of the late Attorney Hallett is the more shocking to every good mind inasmuch as he was the man who builded the platform which Mr. Buchanan declared was himself and he it—so that it is a clear instance of almost parricidal ingratitude. Slavery, however, hath not left herself without witness in this city and witness that no man can gainsay; for Marshal Freeman has been reappointed, there having been no opposing candidate, as we learn from the authentic testimony of the Boston *Post*. I had not hoped that the infamy which justly attaches to the office of Slave-catcher in Chief for Massachusetts would so soon have left it as monopoly of Freeman as that of hangman is of Colcraft in England. It is a good sign, and I hope foreshadows the time when no man, professing the least gentlemanlike feeling or self-respect will consent to hold any commission of Uncle Sam. Then we shall be near the Good Day Coming. For men will open the way to the paradise of office even if they have to break down the walls which now enclose it and circumscribe them anew. This slave-catching demonstration can do no harm to the movement for the Removal of Judge Loring, and it has had the effect of diminishing prodigiously the vote in the House for Brigadier Andrews, who is the candidate to succeed General Edmands. Andrews—I believe that is his name—is some sort of a United States understrapper, and it seems villanous that such a man should have the command of our militia, after the experience of the Burns Kidnapping. A concurrent vote of both Houses is necessary, and the Senate have already elected Andrews, because he is next in the line of promotion. I trust the House will stand to its guns, so that a hireling of the United States shall not have the power of ordering us to stand to ours in the great behalf of negro-catching. And this, even if we should go general-less for a whole twelvemonth.

D. Y.

From our Cincinnati Correspondent.

The late Decision of the Supreme Court—Opinions of the Press—Its effects upon the Anti-Slavery cause—The Agitation in the Church—Home Mission Board and General Assembly—Mr. Barnes and Dr. Ross—U. S. Marshal in Southern Ohio.

CINCINNATI, March 18, 1857.

THE recent decision of the Supreme Court of the United States in the Dred Scott case is just now the most important topic of discussion here. The Press, in this section of the country, with the exception of that portion of it in the interest of the Slave Democracy, condemn it as contradicting former decisions which affirmed the binding authority of the Ordinance of 1787 and the constitutionality of the Missouri Compromise of 1820, and as giving in the adhesion of the Court to the most ultra Southern doctrines. But, however abhorrent to justice this decision may appear, we ought not to be surprised at it. Every one who has watched the course of events for the last thirty years must have observed how completely the Slave Power has had the control of the Government, how steadily, but surely, it has advanced in its encroachments upon the principles of freedom, and how subservient the Supreme Court has been to its behests. Since the appointment of Judge McLean, every one of the Justices has been chosen by an Administration devoted to slavery, and have been men of Southern birth and education, or Northern men of well-known Southern principles. If any one known to lean towards the side of freedom has been nominated, the Senate has refused to confirm it. From the first the Abolitionists clearly saw and proclaimed the fact of the subserviency of this tribunal to the interests of slavery, but the party leaders either denied it or treated it with indifference, until it has become so apparent that no one can be deceived.

The organs of the party in power, indeed, profess to regard this decision as a final settlement of the points in dispute. The *Daily Enquirer*, of this city, eulogizes the decision as "a final and wise determination of this vexatious question," and the Judges as having handled the subject "without *sectional bias* or *extra-judicial* influence." In this case, the "wish is father to the thought." No intelligent or observant mind can believe that this or any other legal decision taking ultra pro-slavery ground is at all likely to quiet the anti-slavery agitation or bring the contending parties on common ground. The anti-slavery agitation is primarily a moral one—the political features of it are merely incidental—and a decision like this one can carry no moral influence with it. It gives up everything to the Slave Power, and is too palpably sectional and partisan to accomplish such a design. On the contrary, it will furnish new texts for the addresses and writings of Republicans and Abolitionists (the terms are not by any means synonymous), open the eyes of the people to the determined aggressions of the Slave Power, and lead to more persevering efforts and more efficient combinations to resist them.

In the Church, every effort to settle the slavery question by compromise will be as hopeless. We have been told again and again that the action of the General Assembly each year was a happy and amicable settlement of the subject, distasteful, indeed, to a few ultra men, but meeting the concurrence of moderate men of all parties. But the late decided action of the Home Mission Society will give a new impulse to the discussion, and in the next General Assembly (N. S.), in May next, it will, no doubt, be fully canvassed. The delegates from Philadelphia and New York will take ground *against* the refusal of the Home Mission Board to grant assistance to slaveholding Churches, and thus unite with those from the South, while the Western members and those from the interior of New York will *approve* it. The *Christian Herald*, of this city, impelled by what it well knows is the general sentiment of the Church in the West, approves the action of the Board as "in strict accordance with the spirit of the resolutions of the General assembly of 1850," and cannot see "how our Church can, with any propriety, object to the action of the Society." The *Herald* is not so sanguine as Mr. Barnes that the New School branch of the Church will be gradually purged of the sin of slaveholding through the moral influence exerted by the repeated testimonies of the Church upon the subject. The Church, it thinks, will only be freed from slavery by the excision or withdrawal of the Southern Presbyteries, and this opinion is becoming more general every day, among observant men, both North and South. Mr. Barnes means well; but his mild remedies for a mighty evil are not suited to the emergency, or to the spirit of the times. Mr. Barnes is one of the editors of the *American Presbyterian*, which was established at Philadelphia, it was understood, in consequence of the intense pro-slaveryism of the *Christian Observer*, and was expected to be anti-slavery in its tone. But, from a late editorial in that paper, it appears that its sentiments upon this subject are of a very weak noncommital type. It "repudiates the false extremes that would exalt slavery as a blessing or denounce it as involving essential sin." It is anxious not to drive off the South, and is opposed to taking any measures to enforce the discipline against slaveholders in the Church. Such conservatism as this will be heard in the General Assembly as of old, but it will have to give way, by and by, to the growing and progressive anti-slavery sentiment of the Church, which cannot much longer be deceived.

In one of the Southern papers, I see a letter of Dr. Ross, of Tennessee, to Rev. Albert Barnes, in reply to Mr. B.'s late work on Slavery and the Church. As usual with Southern writers, it is written in bad style and bad temper. In this respect it is in striking contrast with Mr. Barnes's writings. Dr. Ross comes out boldly in defence of slavery and denial of the doctrines of the Declaration of Independence on the natural equality of man. If re-published at the North at all, it can have no other effect than to increase the popular dislike to slavery and its clerical defenders.

The office of United States Marshal for the Southern District of Ohio has been held for some months by a Mr. Smith, taken from the General Post-Office at Washington, but formerly of this city. The Senate, however, did not confirm the appointment, and Mr. Buchanan has superseded him by a Col. Sifford, of Chillicothe, Ohio, who was an original Nebraska man, and favoured the nomination of Pierce or Douglas. The original Buchanan men had awarded this appointment to Col. Frank Linch, of this city, and why he did not get it is not known, as he was a zealous supporter of Buchanan both before and after his nomination, unless it be owing to his German descent. Mr. Sifford can, no doubt, be relied upon for his fidelity to the behests of the Slave Power, which was no doubt the main recommendation. The office of Commissioner being under the control of Judges McLean and Leavitt, there will probably be no change of the present incumbent.

There was another emancipation case before our Probate Court last week. Four women, with their children, making 18 or 20 persons in all, were set free by Mrs. Parker, of Newport, Ky.

Rev. John G. Fee has been preaching for some days at Newport, Ky., and applying the Gospel doctrine of the "Law of Love" to the duties of the people relative to the great sin of the nation. He has been heard with respectful attention.

Yours, P.

THE New York Assembly, on the 25th inst., by a vote of 75 to 27, adopted resolutions providing for an amendment of the Constitution by abolishing the property qualification in regard to coloured voters. The proposition not only abolishes the property qualification, but also the three years residence required, thus placing whites and blacks on a perfect equality at the polls.

From our Dublin Correspondent.

DUBLIN, Feb. 27, 1857.

To the Editors of The National Anti-Slavery Standard.

GENTLEMEN: Other cities and towns may have Mayors, but London, York and Dublin have *Lord* Mayors. Accordingly, we have a Lord Mayor, who, from the position of a private citizen, jumps at once to the dignity of a Peer of the realm, and during his term of office takes precedence in Dublin of the Lord High Chancellor, the keeper of her Majesty's conscience, and of every one else except the Lord Lieutenant, the representative of Her Most Gracious Majesty's self. Our present civic sovereign is Richard Atkinson, an eminent manufacturer of the rich and beautiful fabrics, part silk, part woollen, which are almost indigenous to Dublin, and of which every erratic Yankee who comes hitherward is sure to take home at least one costly garment to his better half, if he do not take also a garment to his mother, his sister, his daughters and each of his favourite nieces. Well, Lord Mayor Atkinson is not only a Lord Mayor and a manufacturer of gorgeous, splendid, and beautiful fabrics, grand enough for an Empress, but he is a self-made man, a real worthy, with a heart as big as a haystack, and is a generous, right good fellow. Every one has a good word for him.

The nineteenth of this month was not only remarkable as my birth-day, but it was also the day when the Lord Mayor gave his feast; and although covers were laid for 600 guests, you may imagine my mortification when I tell you that I was not even invited. However, it is possible that there might not have been room, or the dinner might have been cold, or I might have been placed at one of the side tables and not in my proper place among the guests who were worthy of double honor, or—in short, I comfort myself with a scrap of classic consolation, and say, how happy I am that my native city had 600 worthier sons than your valued correspondent.

But you may ask why I dwell so much on the Lord Mayors of Dublin in general, and this present one in particular, not to speak of the slight I have suffered, and which a more cautious man might judge it most prudent to cover with a veil of silence. Well, then (as Adin Ballou once said in one of his articles—and a turn of speech which charmed me exceedingly), I will tell you. Amongst the guests, beside the illustrious Whately, Archbishop of Dublin, Lord Gough, who was ennobled for a tremendous slaughter he made of the Sikhs, marquises, viscounts, bishops, judges, baronets, generals, knights, aldermen, and common councilmen to no end, there was the Lord Lieutenant, the Earl of Carlisle, who travelled, some years since, in your free and enlightened country, under the style and title of Lord Morpeth. And the Lord Lieutenant made a speech, which contained some particulars very cheering to us Irish who live at home at ease. Its principal flowers of eloquence consisted of certain statistical returns, of which I will give you the cream. As a proof of the improvement of Dublin, he said that in 1838 the number of persons arrested in this city for manslaughter or assaults with intent to murder was 86; in 1856 they amounted to but 1. In 1838, all the arrests for all sorts of offences were 30,000; in 1855, 18,000. Within the last year the decline in the number of inmates in the poor-houses was considerable, and the poor rates have fallen from 2s. 11d. to 1s. 6d. in the pound. In 1851 there were 1864 sentenced to penal servitude or transportation for serious crimes in all Ireland; in 1852, 1358; in 1853, 1013; in 1854, 692; in 1855, 521; and in 1856, 375—a gratifying descent from 1358 to 375. Of 400 convicts set free on tickets of leave in Ireland, but 7 of the licenses have been revoked. I think these particulars are most interesting, as they give the best possible proof of the country in the march of moral improvement, without which there is really no true civilization. On all hands I hear no other accounts but that the progress of Ireland is onward in the best sense. From what I read of the United States, I cannot think that the Irish who emigrate make a change, on the whole, for the better. The extremes of heat and cold are tremendous on your side of the Atlantic; the security of life much less; the political excitement and corruption very much greater; and, as far as I can judge, the substantial enjoyment of existence not so great, though more money may be made, and the merely material progress more remarkable.

I think *The European* an admirably conducted, truth-telling paper. If it be firmly established, and should it continue under the same auspices, it must do great good by the promulgation of truths which it has heretofore not been considered patriotic for an American to utter. I can't help thinking it is bad for any people to be hoodwinked by their guides, social, religious or political. It is bad for a nation as well as an individual to have an overweening opinion of its own enlightenment, strength, goodness or greatness. Any one would look on the man as a fool for boasting of himself in the style which so many of your countrymen employ when they come over here and talk of their country. *The European* is a manly, outspoken, many-sided paper, which is dedicated to Truth above all other objects; and its results cannot fail to react beneficially on your public opinion. I refer particularly to this paper because the facts about Ireland I have given you above are just the kind which it likes to offer respecting all other countries as well as its own, and which, where read, might serve to correct the prevalent Chinese idea which is also so common in the United States, that yours alone is the Flowery Land. By the way, we have lovely weather just now, and the crocuses, snowdrops and wall-flowers are beautiful. Our climate just now is more like May than February-fill-the-dykes, the title by which this auspicious month is familiarly known.

I am greatly obliged to Rev. Dr. Bellows and Hon. Henry Wilson for the clear and convincing reasons they have given me against the mad project of Garrison and his crew. The country is big, and the bigger the better, and the larger the more you are bound to it by the bonds of patriotic affection; and if the South are not as they ought to be, you are the more called on to wait till she becomes so, and her merits are great, and it is treason to doubt them. I thought the arguments of the Doctor more airy than substantial; and as to the Massachusetts Senator, his ideas occurred to me, as soon as I read them, as dictated by a looking towards the White House much more than to Plymouth Rock or Bunker Hill.

Yours ever, RICHARD D. WEBB.

Summary.

Mrs. Lydia A. Jenkins, wife of a Universalist clergyman at Port Byron, N. Y., has commenced preaching to good acceptance.

Mr. Badger of North Carolina, whose distinction as a lawyer entitles his judgment to more than ordinary value, said, at the conclusion of Judge Curtis's opinion, that it was the most clear, compact and conclusive piece of judicial reasoning, from first to last, that he had ever heard or read.

George W. Johnson, one of the largest sugar planters of the Mississippi, below New Orleans, who died recently, left an estate valued at not less than $7,000,000. He has by his will manumitted all his slaves, 1,200 in number. They are all to be sent to Liberia, in four years from his death, and each one is to be furnished with $50.

APPOINTMENT BY THE GOVERNOR.—Wm. M. Evarts, Esq., has been appointed by the Governor, in the place of O. Hoffman (deceased), associate counsel to represent the State of New York in the Lemmon slave case, pending in our Supreme Court, and now become of increased importance in consequence of the decision in the Dred Scott case.

THE DEATH PENALTY IN RHODE ISLAND.—The Senate of Rhode Island has refused to adopt the report of the Committee on the Judiciary, making two degrees of murder, and then passed the title of the revised code relating to crimes and punishments, precisely as it came from the commissioners on revision. That makes murder punishable with death only when committed by a convict in the State prison under sentence of imprisonment for life.

THE READING AND WRITING REFORM.—We have noticed during the present session of the Legislature that many of the members who are advocates of the constitutional amendment requiring voters to be able to read and write correctly are themselves rather deficient in their orthography. In the House, to-day, a petition for an asylum for inebriates was presented by Twiss, of Worcester, wh[illegible] made this indorsement on the back of the paper. "The petition of T. W. Higginson, and others, for an *Arsilum* for Inebriates."—*Boston Herald.*

HIGH SOUTHERN GROUND.—Captain [illegible] Jones, United States Army, a Virginian by birth, stationed not long since at Benecia, California, had with him, as body servant, a slave named Joe. One morning the Captain was startled by the news of Joe's having shot another negro, and sternly asked him how he dared to do so. Joe seemed at first cast down, but rallying himself and looking the Captain full in the face, replied: "De fact is, massa, dat ar nigger was one of dem New York free niggers. He 'sulted me, and I had to take high sudron ground wid him."

A BORDER RUFFIAN PARSON.—In a discussion in the Kansas Bogus Legislature, the Rev. Martin White, a member, made a ferocious speech, in which he admitted that he killed Frederick Brown. He said that he was with the advance guard of the army that destroyed Osawatomie last August. They met Frederick Brown on the road before they got to Osawatomie. White ordered him to halt, which he did not do, when he, White, "let him have it, and he whirled over." This was received in the Legislature with tremendous applause.

THE LATE WILLIAM A. WHITE.—All hope of obtaining any clue to the fate of Mr. William A. White, formerly of Watertown, but for the last few years a resident of the West, has now been given up. All that can be ascertained is that he departed from the hotel in Milwaukee, intending doubtless to return in a few hours, for he left behind not only his baggage, but even his gloves. His wife has applied for letters of administration upon his estate. Since his disappearance, his child has died.

BORDER RUFFIAN BLASPHEMY.—A beautiful exemplification of border ruffian *religion* occurred in the speech of Mr. O'Driscol, Buchanan-Democratic Representative in the bogus Kansas Legislature. We quote as follows:

"God thundered that negroes should be slaves from Sinai's Mount! Good morals declares it right! Good science declares it right! Good society declares it right! And *when our interests agree with these*, the argument is unanswerable!"

THE PRICES OF SLAVES RISING IN SOUTH CAROLINA.—At a recent sale, in Pickens District, of Mr. John Couch's personal property, fifteen slaves, men, women and children, brought upwards of $16,000.—*Greenville (S. C.) Patriot.*

We attended the sale of the property belonging to the estate of Smith Bradley, deceased, on Tuesday last. Ten negroes were sold at an average of $730. One negro man, field hand, sold for $1,500; a boy, fifteen years old, at $1,000; another at $970. Negro women and girls brought as high as $900. Of the number sold there was one child two years old, and one five years old.—*Greenville Enterprise.*

THEN AND NOW.—To serve for a parallel between the American Supreme Court in the year 1857 and the British Court of King's Bench in the year 1772—between the Democratic Chief Justice Taney and the Royalist Chief Justice Mansfield—our readers may well be reminded of the fact that in deciding the case of Somersett, the great English jurist declared that though there were 15,000 slaves then in England to be made free by the decision, and though they were worth to their masters £750,000 ($3,750,000), yet "fiat justitia ruat cœlum." He resolutely followed the logic of the Common Law, and, pronouncing the decision which made British soil intolerable of human slavery, said that the institution was "of such a nature that it was incapable of being introduced on any reasons, moral or political."—*Albany Evening Journal.*

MRS. STOWE is yet in Paris. She lives retired in the Faubourg Poissonniere, and sees but little of Americans. She does this in order to devote her attention to the study of French. I learn that she is translating into English, with the view of publishing in the United States, *L'Amour dans le Mariage* (Love in Wedlock). It is also said that she is preparing for the press a work on the poorer classes in Europe, a sort of Uncle Tom in white society. At the reception of M. Biot at the French Academy a few days ago, Mrs. Stowe, who was present, had a grand success of curiosity, even in that assemblage of the lions and lionesses of the literary world. "Dred" has not yet appeared in French. Hon. Mrs. Norton and the ladies of Lord Elgin's family are among the few frequent visitors at the house of Mrs. Stowe in this city.—*Letter to N. Y. Times, dated Paris, Feb. 20.*

NEVADA TERRITORY.—We find in a late California paper mention made of information having been received from Washington, D. C., to the effect that a bill was in preparation by Senator Douglas for the formation of a new Territory on the eastern boundary of California, to consist of all Western Utah and North-Eastern New Mexico, from the Oregon line to the Colorado river. The name intended for it is Nevada, taken from the great Sierra which lies on its western boundary. This bill was to have been shown to the California members of Congress when perfected, and, if approved by them, to be submitted to Congress. It did not, however, see the light, as the pressure of business in Congress prevented action on the formation of new Territories. The next Congress will probably pass bills for the organization of this as well as several other new Territories at the West.—*Evening Post.*

PHYSICAL EDUCATION.—We heard with real pleasure of the extensive interest in the subject of physical education in the Queen City, and the large classes of young girls under the discipline of our excellent friend, Dr. J. C. Christin, in this department. If anything can restore good health to puny, pining, pale Young America, it is a better physical training. What we need is not hoops to *wear*, but hoops to *trundle*; not *belles*, but *dumb bells*; not druggists' shops, but calisthenicums and gymnasiums. It is one of the hopeful signs of the times that in every part of our country parents are awaking to the full importance of the systematic and persevering education of the bodies and senses of their children, as well as their minds and souls. Let our teachers and professors imbibe the great reform. Let Cambridge and New Haven lead off a new era of human culture.—*Christian Inquirer.*

FROM HAVANA.—A letter from Havana to the *N. O. Picayune*, dated the 7th inst., says: "The slave trade is quite active now, and vessels are almost daily despatched to the coast of Africa. The brig Miller, formerly of your city, sailed hence on the 4th. She cleared in this Custom-house for Montevideo, but everybody saw her slave-deck when she was being fitted up in Regla. We hear of landings all along the coast, and the fact is so notorious that every one begins to believe that certain parties, high in office, not excluding foreigners, have lent themselves to the scheme, and are in actual possession of nice sums for their complaisance. Brig. Lerrano, Governor of Trinidad, is reported to have realized over $200,000 within the last three months, for which he has been removed from office by Gen. Concha. He is a native of the town of Puerto Principe, and one of the few Cubans who have been able to get an important office in their own country. Though much criticised by all parties, he is no more guilty than his companions."

WASHINGTON.—A singular statement has been made by the papers of Mr. Channing's having received an "influential" call to the Capital. On sifting the matter down, it appears that Rev. Mr. Conway has urged Mr. Channing very earnestly to return to the scene of his former labour at Washington; we hope that the old society there will heartily second the appeal. Besides the attraction of his name, Mr. Channing has peculiar qualifications for this important post. In addition to a vestal purity of character and an unequalled spirituality of thought, he has unusual extemporaneous gifts, a captivating address, a most conciliating spirit, and an exceedingly fervent heart. We expect that he will resume the ministry there in the Autumn, with the hearty sympathies of all true friends of Liberal Christianity and comprehensive philanthropy.—*H.—Christian Inquirer.*

GAMBLING AT GREAT SALT LAKE.—They have, it seems, "shavers"—2½ per cent a month fellows—in the Great Salt Lake city, as well as in Wall street and St. Louis—"Elders in Israel," too, according to the denomination of the virtuous high Priest Brigham Young, who "shuffle" and are the "smartest rogues" under the sun.

Brigham preaches from the pulpit, in somewhat of similar style to father Brownlee in the columns of the Knoxville *Register*, when he gets hold of a fellow who advertises moral lectures, delivers them, and then runs off and don't pay his bill. Listen to Brigham, who preached the last Sabbath in January, as follows:

"We can pick out elders in Israel right here who can beat the world at gambling, who can handle the cards, cut and shuffling them with the smartest rogue on God's footstool. I can produce elders here who can shave their smartest shavers, and take their money from them. We can beat the world at any game."—*St. Louis Democrat.*

NEGROES IN CONNECTICUT.—It has been stated by many journals, during the discussion on the decision in the case of Dred Scott, that it was decided in the State of Connecticut, some twenty years ago, that negroes were not "citizens." This appears to be an error. The facts in the case referred to are stated substantially as follows: In 1834, Prudence Crandall, of Canterbury, Ct., was prosecuted for "harbouring" certain coloured persons, who were not inhabitants of the State. She was tried in the Superior Court, before a certain Judge Daggett, who charged the jury that negroes were not citizens. Miss Crandall was found guilty. The case went, of course, to the Court of Errors, where the judgment of the Superior Court was reversed, on an entirely different point, by Judge Williams, now an Ex-Chief Justice of the State, who, in his decision, declined expressly to give an opinion upon the rights of negroes to citizenship.—*Boston Atlas.*

DR. KANE'S DOG.—The Arctic dog brought home by Dr. Kane has strayed away off in Allegany. He has become the property of James McArthur, timber dealer in Oramel. The recently intense cold weather has kept this large, black, shaggy animal in high spirits. When they take him into the forest among the timber-hewers, where he can do no harm, and remove his muzzle, he cuts all sorts of pranks, seeking the deepest drifts, and actually burying himself for delight; you can see the dry snow move, but no resemblance of a dog, till on a sudden out he pops, giving his hairy fleece a tremendous shake, and away he runs for another dive. Mr. McArthur calls him "Es-ki-mo" (Esquimaux), not a very smooth name, but characteristic. To look "Esk" fair in the face, you see almost the likeness of a black bear, though his eyes are rather languid. His long, soft, shaggy covering is nearly equal in bulk to his body. When left to run at large in the village, he wears a muzzle to prevent his destroying the pigs and chickens.—*Newark Daily Advertiser, March 3.*

EMIGRATION TO LIBERIA.—Senator Brooks desires to reduce our coloured population, and to that end has introduced a bill which provides that a sum of money not exceeding $5,000 per annum shall be appropriated and paid upon the following conditions: There shall be appointed by the Governor a Commissioner, whose services shall be given without compensation, whose official title shall be, the "Agent for Liberia Emigration." It shall be his duty to receive applications from any free coloured residents of this State, for aid in emigrating to Liberia, and, in a book provided for that purpose, to keep a record of the names, ages, places of residence and occupation of all applicants, including date of application, embarkation, &c.; and if, upon inquiry, the applicant is found of good moral character, said agent shall, as soon as convenient, secure for such applicant a passage in any suitable vessel to sail from the United States to Liberia, and make such other provisions as shall seem most needful, provided that for passage, support and outfit, for each person so emigrating, the total expense shall not exceed sixty dollars.

RELIGION AT THE WHITE HOUSE.—A correspondent of the *Puritan Recorder* thus refers to the retiring President and his successor:

"Gen. Pierce retires amid many compliments from the citizens of Washington, and the employees of the government; who waited upon him, addressed him, and received a beautiful reply, in which, among other things, he commended the quiet manner in which he said the Sabbath is kept in Washington. He has been a regular attendant on divine worship, thus setting an example, which more of our public men ought to imitate. Mr. Buchanan will also regularly attend the Presbyterian church, probably in the New School branch, as has been his custom, being also a steady friend to his minister in pastoral trials. Gen. Pierce attended chiefly the church of the Old School branch, not neglecting the other. Last Sabbath, Dr. Sunderland, his pastor, at the conclusion of his sermon, addressed him in an earnest and affecting manner, which greatly excited the interest of the congregation."

MR. DALLAS COMMITTED.—A letter from England says: I do not wish to make mischief, but, truth to tell, Mr. Dallas has sadly and notoriously committed himself. He has not only exhibited a want of *true Southern feelin'*, but he has done that, before all the world, and in the very presence of the representatives of European and other powers, which would shock the nerves, and cause the ears to tingle, of every omnibus passenger in New York, Boston, and Philadelphia. Not to mince the matter, it was little less than a case of *amalgamation!* for it is the literal and shameful truth that he was seen cheek by jowl, elbow to elbow, with the sable representative of the ebony Emperor of Hayti, and that too, openly, in the British House of Commons. I will not say he was wholly to blame in the first instance, for, primarily, it was a piece of British insolence to suffer this black fellow to make a negro pen of the Embassadors' gallery. But then, I contend that Mr. Dallas ought to have shaken the dust from his feet, and squirted the tobacco juice from his mouth, and marched from the House of Commons. He must be recalled, and Gen. Cass sent in his room to teach the British manners. This must be the opinion of every true Southern Democrat.

ANCIENT HARMONIES.—We confess to an amiable weakness on the score of sacred music. We know theoretically very little about it, but we have been perplexed a great many times with the practical difficulties it encounters, when it is made to subject its lofty strains to what, to our untutored [illegible]ars, seems the erratic and too artistic movements of Italian op[illegible] music. We have often longed, we confess, for a return to the [illegible] days of pitch-pipes, and the congregational blending of [illegible] in the grand old chorals of St. Martin's, Com- devout [illegible]nation, and Old Hundred. We have never been plaint, Cor[illegible] than we were on Thursday last, by attending more gratified [illegible] Concert," in the Tabernacle. The "Old Folks" the "Old Folks [illegible] by fifty ladies and gentlemen belong- Folks" are represe[illegible] who have donned the garments worn by ing to Massachusetts, [illegible]andmothers, and have set themselves their grandfathers and g[illegible] in ancient psalmody, by a to work to revive and inte[illegible] and beauty as an aid to de- practical exhibition of its po[illegible] trained; and as they unite votion. The fifty voices are fin[illegible] harmonies, they move the in reproducing almost forgotten [illegible] of the early days deepest places of one's spirit by asso[illegible] away. Before the of worship with kindred long since p[illegible], too, raising the tri- spectator is aware of it, he finds his voic[illegible] grow dim with umphant "New Jerusalem," and his ey[illegible] Thursday evening; tears. At least, this was our experience on T[illegible] been given and since then a number of concerts hav[illegible] increased by the Class, every one being attended by a larg[illegible] audience. We thank the "Old Folks" for the good they have done, and earnestly desire them a great success in purifying the taste for Church Music. When our Broad Church comes—and it is coming—we hope the whole people will sing with the "spirit and the understanding."—*Christian Inquirer.*

AN ENCOURAGING WORD FROM KENTUCKY.—We make the following extract from a letter just received from Rev. John G. Fee, for Wm. S. Bailey of Kentucky, by Daniel Foster, who is soliciting donations for him in this city.

"NEWPORT (Ky.), March 12, 1857.

"DANIEL FOSTER: I am now at Newport, where I was invited to preach some six or eight days. I shall soon leave for my home, Berea, Madison County, Kentucky. Whilst here I have had the pleasure of seeing one or two letters from you to our friend Bailey. He is now unwell and requests me to write, acknowledging the receipt of two checks since he wrote last, one for $50, the other for $60.

"Mr. Bailey's paper is doing good. He has now employed a good editor, and with improved type he is now making a fair paper. I think he will be henceforth much better sustained. I am where there is a wide field of labour opening in Kentucky.

"Yours truly, JOHN G. FEE, Minister of the Gospel."

Mr Foster informs us that he has now sent to Mr. Bailey nearly $300, and hopes to increase it to $500, from this city. We trust anti-slavery friends will help this important work.—*Boston Telegraph.*

A STRONG ENDORSEMENT.—The following letter was written by Mr. Phillips at New Haven, on the 8th inst.

"I was present at the entertainment given by Mr. Kemble before the students at the college last evening, and do not hesitate in pronouncing it the richest literary treat of the season. His recitation of the famine, from Longfellow's Poem, Hiawatha, was beyond my expectation. He gives readings this evening before the Young Men's Institute. The lovers of literature should not be absent. This talented young artist was born in Ladlow, Kent Co., England; he lost his parents when quite young, and his education was intrusted to a Presbyterian clergyman in Ladlow. After pursuing a course of studies at the famous Westminster School, he was admitted to the Magdalene Hall, Oxford. He came to the States in 1849 with his guardian, the celebrated Charles Keane, and made his first appearance before the public the following year at the Park Theatre, with decided success. He has recently been reading from Shakspeare and the Poets before the public and vicinity of Boston, assisted by his talented sister, Mrs. Frances Kemble. He is every way worthy of patronage, and to the generous public I take pleasure in recommending him.

"WENDELL PHILLIPS."

WHAT IS NEXT TO BE DONE WITH THE FREE NEGROES?—They are not yet got back on to a level with the slaves. So there is more work for Democratic Judges, Democratic Legislatures and Democratic Journalists to do, to which they had better gird up their loins. One of the Virginia drivers thus indicates what more is expected beyond the barbarous sacrifice upon the altar of Slavery offered by Chief Justice Taney and his Southern associates. We quote from the *Southside* (*Va.*) *Democrat* of March 14th:

"The highest judicial tribunal in the land has decided that the blackamoors, called, by the extreme of public courtesy, the coloured population, are not citizens of the United States. This decision must be followed by other decisions and regulations in the individual States themselves. Negro suffrage must, of course, be abolished everywhere.

"Negro nuisances, in the shape of occupying promiscuous seats in our rail cars and churches with those who are citizens, must be abated. Negro insolence and domineering arrogance must be rebuked; the whole tribe must be taught to fall back into their legitimate position in human society—the position that Divine Providence intended they should occupy. Not being citizens, they can claim none of the rights or privileges belonging to a citizen; they can neither vote, hold office, or occupy any other position in society than an inferior and subordinate one—the only one for which they are fitted, the only one for which they have the natural qualifications which entitle them to enjoy or possess."

REV. DR. ROSS—A QUESTION.—We find in the last *New Englander*, in an article attributed to Dr. Bacon, the following reference to that somewhat noted or at least notorious champion of slavery in the New School Presbyterian Church, Rev. Dr. Ross:

"Our own confident impression is, that the question of negro emancipation, or the question of mulatto emancipation, or the question of quadroon emancipation, or the question of the emancipation of persons as nearly Anglo-Saxon as that eminent defender of slavery on the floor of the (N. S.) Presbyterian Assembly, the Rev. Dr. Ross—in the southern "*States*"—has never been agitated in Congress since the time when a petition was presented to the First Congress, bearing the signature of Benjamin Franklin as President of the Pennsylvania Abolition Society."

We have often before heard intimations and direct statements that Dr. Ross had African blood in his veins, and we have even been told that he was at one time in no little fear for his personal safety on that account. The fact itself, if it be a fact, is no disgrace; but that a man so allied to the oppressed race, and who might so easily have been himself a slave, should have placed himself among the foremost defenders of slavery, is an outrage upon decency. Can any one give the public reliable information upon this subject? If Dr. Ross be, according to southern law, a coloured man, let him meet the inquiry, when he comes to the General Assembly, why he joins hands with the oppressors of his kindred.—*Chicago Cong. Herald.*

YOUNG MEN'S CHRISTIAN ASSOCIATION.—The following letter explains itself:

PROVIDENCE, March 2, 1857.

DEAR SIR: I suppose that the constitution of a society may fairly be interpreted by the unquestioned and continued practice under it.

I learn by your letter that various topics of common public interest, not certainly bearing directly upon "the promotion of evangelical religion," have been discussed, without offence, at your meetings, and the opinion of the Society has been freely expressed concerning them. If such has been the practice of the Association, I can see no reason for the prohibition of the discussion of slavery. Whether one man has a right to hold another in bondage, or whether I can obtain a right over B for life, and also over his children, by paying money to C, is a general question concerning the rights of humanity, and may as innocently be discussed as any question you have discussed, or as the question of the superiority of a responsible to a despotic form of government. Aside, however, from the direct discussion of slavery, there are other questions connected with it, which it would seem might properly be introduced wherever humanity was thought worthy of consideration. Among these are the moral right and Christian lawfulness of depriving men and women of the rights of domestic relations, of the right to intellectual improvement, and of the right to read the Word of God. It seems to me that such questions as these may be as properly discussed as the evils of intemperance, or as many other subjects which have been brought to your notice, without giving any offence. On what ground the discussion of this subject can be prohibited, if treated in a proper manner, I cannot, with the light I possess, discover.

I am, dear sir, yours truly, F. WAYLAND.

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LEGION OF LIBERTY.—A new edition of this work (compiled by the late Julius R. Ames, of Albany), which did so much good service in the anti-slavery contest of former years, has just been published by the American Anti-Slavery Society. This edition is larger than any preceding one, and forms a neat volume of 336 pages. For sale at the Anti-Slavery Offices, 21 Cornhill, Boston; 138 Nassau street, New York; and 31 North Fifth street, Philadelphia. Price, 50 cents.

AMUSEMENTS—THEIR USES AND ABUSES: Testimony of the Progressive Friends. A tract of 16 pages, sanctioned by the Pennsylvania Yearly Meeting of Progressive Friends and by the Waterloo (N. Y.) Yearly Meeting of Friends of Human Progress. For sale at the Anti-Slavery Offices in New York, Philadelphia and Boston. Price 3 cents single; 50 copies for $1.

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Miscellaneous Department.

THE DEAD SECRET.

CHAPTER THE SIXTH. TIMON OF LONDON.

TIMON of Athens retreated from an ungrateful world to a cavern by the sea-shore—Timon of London took refuge from his species in a detached house at Bayswater. Timon of Athens vented his misanthropy in magnificent poetry—Timon of London expressed his sentiments in shabby prose. Timon of Athens had the honour of being called "My Lord"—Timon of London was only addressed as "Mr. Treverton." The one point of resemblance which it is possible to set against these points of contrast between the two Timons consisted in this: that their misanthropy was, at least, genuine. Both were incorrigible haters of mankind.

From his childhood, Andrew Treverton's character had presented those strong distinguishing marks of good and bad, jostling and contradicting each other, which the language of the world carelessly expresses and contemptuously sums up in the one word—eccentric. There is probably no better proof of the accuracy of that definition of man which describes him as an imitative animal than is to be found in the fact, that the verdict of humanity is always against any individual member of the species who presumes to differ from the rest. A man is one of a flock, and his wool must be of the general colour. He must drink when the rest drink, and graze where the rest graze. When the others are frightened by a dog, and scamper, starting with the right leg, he must be frightened by a dog, and scamper, starting with the right leg, also. If he is not frightened, or even if, being frightened, he scampers and starts out of step with the rest, it is a proof at once that there is something not right about him. Let a man walk at noonday with perfect composure of countenance and decency of gait, with not the slightest appearance of vacancy in his eyes or wildness in his manner, from one end of Oxford street to the other, without his hat, and let every one of the thousands of hat-wearing people whom he passes be asked separately what they think of him, how many will abstain from deciding instantly that he is mad, on no other evidence than the evidence of his bare head? Nay, more: let him politely stop each one of those passengers, and let him explain in the plainest form of words, and in the most intelligible manner, that his head feels more easy and comfortable without a hat than with one, how many of his fellow-mortals who decided that he was mad on first meeting him will change their opinion when they part from him, after hearing his explanation? In the vast majority of cases, the very explanation itself would be accepted as an excellent additional proof that the intellect of the hatless man was indisputably deranged.

Starting at the beginning of the march of life out of step with the rest of the mortal regiment, Andrew Treverton paid the penalty of his irregularity from his earliest days. He was a phenomenon in the nursery, a butt at school, and a victim at college. The ignorant nursemaid reported him as a queer child; the learned schoolmaster genteelly varied the phrase, and described him as an eccentric boy; the college tutor, harping on the same string, facetiously likened his head to a roof, and said there was slate loose in it. When a slate is loose, if nobody fixes it in time, it ends by falling off. In the roof of a house we view that consequence as a necessary result of neglect; in the roof of a man's head we are generally very much shocked and surprised by it.

Overlooked in some directions and misdirected in others, Andrew's uncouth capacities for good tried helplessly to shape themselves. The better side of his eccentricity took the form of friendship. He became violently and unintelligibly fond of one among his school-fellows—a boy, who treated him with no especial consideration in the playground, and who gave him no particular help in the class. Nobody could discover the smallest reason for it, but it was nevertheless a notorious fact that Andrew's pocket-money was always at this boy's service, that Andrew ran about after him like a dog, and that Andrew over and over again took the blame and punishment on his shoulders which ought to have fallen on the shoulders of his friend. When, a few years afterwards, that friend went to college, the lad petitioned to be sent to college too, and attached himself there more closely than ever to the strangely-chosen comrade of his schoolboy days. Such devotion as this must have touched any man possessed of ordinary generosity of disposition. It made no impression whatever on the inherently base nature of Andrew's friend. After three years of intercourse at college—intercourse which was all selfishness on one side and all self-sacrifice on the other—the end came, and the light was let in cruelly on Andrew's eyes. When his purse grew light in his friend's hand, and when his acceptances were most numerous on his friend's bills, the brother of his honest affection, the hero of his simple admiration, abandoned him to embarrassment, to ridicule, and to solitude, without the faintest affectation of penitence—without so much, even, as a word of farewell.

He returned to his father's house, a soured man at the outset of life—returned to be upbraided for the debts that he had contracted to serve the man who had heartlessly outraged and shamelessly cheated him. He left home in disgrace, to travel, on a small allowance. The travels were protracted, and they ended, as such travels often do, in settled expatriation. The life he led, the company he kept, during his long residence abroad, did him permanent and fatal harm. When he at last returned to England, he presented himself in the most hopeless of all characters—the character of a man who believed in nothing. At this period of his life, his one chance for the future lay in the good results which has brother's influence over him might have produced. The two had hardly resumed their intercourse of early days when the quarrel occasioned by Captain Treverton's marriage broke it off forever. From that time, for all social interests and purposes, Andrew was a lost man. From that time, he met the last remonstrances that were made to him by the last friends who took any interest in his fortunes, always with the same bitter and hopeless form of reply: "My dearest friend forsook and cheated me," he would say. "My only brother has quarrelled with me for the sake of a play-actress. What am I to expect of the rest of mankind, after that? I have suffered twice for my belief in others—I will never suffer a third time. The wise man is the man who does not disturb his heart at its natural occupation of pumping blood through his body. I have gathered my experience abroad and at home; and have learnt enough to see through the delusions of life which look like realities to other men's eyes, but which have betrayed themselves years ago to mine. My business in this world is to eat, drink, sleep and die. Everything else is superfluity—and I have done with it."

The few people who ever cared to inquire about him again, after being repulsed by such an avowal as this, heard of him, three or four years after his brother's marriage, in the neighbourhood of Bayswater. Local reports described him as having bought the first cottage he could find, which was cut off from other houses by a wall all round it. It was further rumoured that he was living like a miser; that he had got an old man-servant, named Shrowl, who was even a greater enemy to mankind than himself; that he allowed no living soul, not even an occasional charwoman, to enter the house; that he was letting his beard grow, and that he had ordered his servant Shrowl to follow his example. In the year eighteen hundred and forty-four, the fact of a man's not shaving was regarded by the enlightened majority of the English nation as a proof of unsoundness of intellect. At the present time, Mr. Treverton's beard would only have interfered with his reputation for respectability. Thirteen years ago, it was accepted as so much additional evidence in support of the old theory that his intellects were deranged. He was at that very time, as his stockbroker could have testified, one of the sharpest men of business in London; he could argue on the wrong side of any question with an acuteness of sophistry and sarcasm that Doctor Johnson himself might have envied; he kept his household accounts right to a farthing, his manner was never disturbed in the slightest degree from morning to night, his eyes were all quickness and intelligence—but what did these advantages avail him, in the estimation of his neighbours, when he presumed to live on another plan than theirs, and when he wore a hairy certificate of lunacy on the lower part of his face? We have advanced a little in the matter of partial toleration of beards since that time; but we have still a great deal of ground to get over. In the present year of progress, eighteen hundred and fifty-seven, would the most trustworthy banker's clerk in the whole metropolis have the slightest chance of keeping his situation if he left off shaving his chin?

Common report, which calumniated Mr. Treverton as mad, had another error to answer for in describing him as a miser. He saved more than two-thirds of the income derived from his comfortable fortune, not because he liked hoarding up money; but because he had no enjoyment of the comforts and luxuries which money is spent in procuring. To do him justice, his contempt for his own wealth was quite as hearty as his contempt for the wealth of his neighbours. Thus characteristically wrong on both points, in endeavouring to delineate his character, report was, nevertheless, for once in a way, inconsistently right in describing his manner of life. It was true that he had bought the first cottage he could find that was secluded within its own walls—true that nobody was allowed, on any pretence whatever, to enter his doors—and true that he had met with a servant, who was even bitterer against all mankind than himself, in the person of Mr. Shrowl.

The life these two led approached as nearly to the existence of the primitive man (or savage) as the surrounding conditions of civilization would allow. Admitting the necessity of eating and drinking, the first object of Mr. Treverton's ambition was to sustain life with the least possible dependence on the race of men who professed to supply their neighbours' bodily wants, and who, as he conceived, cheated them infamously on the strength of their profession. Having a garden at the back of the house, Timon of London dispensed with the greengrocer altogether by cultivating his own vegetables. There was no room for growing wheat, or he would have turned farmer also on his own account; but he could outwit the miller and the baker, at any rate, by buying a sack of corn, grinding it in his own hand-mill, and giving the flour to Shrowl to make into bread. On the same principle, the meat for the house was bought wholesale of the City salesmen—the master and servant eating as much of it in the fresh state as they could, salting the rest, and setting butchers at defiance. As for drink, neither brewer nor publican ever had the chance of extorting a farthing from Mr. Treverton's pocket. He and Shrowl were satisfied with beer—and they brewed for themselves. With bread, vegetables, meat and malt liquor, these two hermits of modern days achieved the great double purpose of keeping life in, and keeping the tradesmen out.

Eating like primitive men, they lived in all other respects like primitive men also. They had pots, pans and pipkins, two deal tables, two chairs, two old sofas, two short pipes, and two long cloaks. They had no stated meal-times, no carpets and bed-steads, no cabinets, book-cases, or ornamental knick-knacks of any kind, no laundress, and no charwoman. When either of the two wanted to eat and drink, he cut off his crust of bread, cooked his bit of meat, drew his drop of beer, without the slightest reference to the other. When either of the two thought he wanted a clean shirt, which was very seldom, he went and washed one for himself. When either of the two discovered that any part of the house was getting very dirty indeed, he took a bucket of water and a birch-broom, and washed the place out like a dog-kennel. And, lastly, when either of the two wanted to go to sleep, he wrapped himself up in his cloak, and laid down on one of the sofas and took what repose he wanted, early in the evening or late in the morning, just as he pleased.

When there was no baking, brewing, gardening, or cleaning to be done, the two sat down opposite each other and smoked for hours, generally without uttering a word. Whenever they did speak, they quarrelled. Their ordinary dialogue was a species of conversational prize-fight, beginning with a sarcastic affectation of good-will on either side, and ending in hearty exchanges of violent abuse—just as the boxers go through the feeble formality of shaking hands before they enter on the serious practical business of beating each other's faces out of all likeness to the image of man. Not having so many disadvantages of early refinement and education to contend against as his master, Shrowl generally won the victory in these engagements of the tongue. Indeed, though nominally the servant, he was really the ruling spirit in the house—acquiring unbounded influence over his master by dint of out-marching Mr. Treverton in every direction on his own ground. Shrowl's was the harshest voice; Shrowl's were the bitterest sayings; and Shrowl's was the longest beard. If any one had accused Mr. Treverton of secretly deferring to his servant's opinions, and secretly fearing his servant's displeasure, he would have repudiated the imputation with the utmost bitterness and wrath. But it was not the less true that Shrowl's was the upper hand in the house, and that his decision on any important matter was, sooner or later, certain to be the decision at which his master arrived. The surest of all retributions is the retribution that lies in wait for a man who boasts. Mr. Treverton was rashly given to boasting of his independence; and when retribution overtook him, it assumed a personal form, and bore the name of Shrowl.

On a certain morning, about three weeks after Mrs. Frankland had written to the housekeeper at Porthgenna Tower to mention the period at which her husband and herself might be expected there, Mr. Treverton descended, with his sourest face and his surliest manner, from the upper regions of the cottage to one of the rooms on the ground floor, which civilized tenants would probably have called the parlour. Like the elder brother, he was a tall, well-built man; but his bony, haggard, sallow face bore not the slightest resemblance to the handsome, open, sunburnt face of the Captain. No one, seeing them together, could possibly have guessed that they were brothers—so completely did they differ in expression as well as in feature. The heart-aches that he had suffered in youth; the reckless, wandering, dissipated life he that led in manhood; the petulance, the disappointment, and the physical exhaustion of his later days, had so wasted and worn him away that he looked his brother's elder by almost twenty years. With unbrushed hair and unwashed face, with a tangled gray beard, and an old patched, dirty flannel dressing-gown that hung about him like a sack, this descendant of a wealthy and ancient family looked as if his birth-place had been the workhouse and his vocation in life the selling of cast-off clothes.

It was breakfast time with Mr. Treverton—that is to say, it was the time at which he felt hungry enough to think about eating something. In the same position, over the mantle-piece, in which a looking-glass would have been placed in a household of ordinary refinement, there hung in the cottage of Timon of London a side of bacon. On the deal table by the fire stood half a loaf of heavy-looking brown bread; in a corner of the room was a barrel of beer, with two battered pewter pots hitched on to nails in the wall above it; and under the grate lay a smoky old gridiron, left just as it had been thrown down when last used and done with. Mr. Treverton took a greasy clasp-knive out of the pocket of his dressing-grown, cut off a rasher of bacon, jerked the gridiron on to the fire, and began to cook his breakfast. He had just turned the rasher, when the door opened, and Shrowl entered the room, with his pipe in his mouth, bent on the same eating errand as his master.

In personal appearance, Shrowl was short, fat, flabby and perfectly bald, except at the back of his head, where a ring of bristly iron-gray hair projected like a collar that had got hitched out of its place. To make amends for the scantiness of his hair, the beard which he had cultivated, by his master's desire, grew far over his cheeks, and drooped down on his chest in two thick jagged peaks. He wore a very old long-tailed dress-coat, which he had picked up a bargain in Petticoat Lane—a faded yellow shirt, with a large torn frill—velveteen trousers, turned up at the ankles—and Blucher boots that had never been blacked since the day when they last left the cobbler's stall. His colour was unhealthily florid, his thick lips curled upward with a malicious grin, and his eyes were the nearest approach, in form and expression, to the eyes of a bull-terrier which those features are capable of achieving when they are placed in the countenance of a man. Any painter wanting to express strength, insolence, ugliness, coarseness and cunning in the face and figure of one and the same individual, could have discovered no better model for the purpose, all the world over, than he might have found in the person of Mr. Shrowl.

Neither master nor servant exchanged a word, or took the smallest notice of each other, on first meeting. Shrowl stood stolidly contemplative, with his hands in his pockets, waiting for his turn at the gridiron. Mr. Treverton finished his cooking, took his bacon to the table, and, cutting himself a crust of bread, began to eat his breakfast. When he had disposed of the first mouthful, he condescended to look up at Shrowl, who was at that moment opening his clasp-knife and approaching the side of bacon with slouching steps and sleepily greedy eyes.

"What do you mean by that?" asked Mr. Treverton, pointing with indignant surprise at Shrowl's breast. "You ugly brute, you've got a clean shirt on!"

"Thankee, sir, for noticing it," said Shrowl, with a sarcastic affectation of extreme humility. "This is a joyful occasion, this is. I could n't do no less than put a clean shirt on, when it's my master's birthday. Many happy returns, sir. Perhaps you thought I should not remember that to-day was your birthday? Lord bless your sweet face, I would n't have forgot it on any account. How old are you to-day, sir? Long time ago, sir, since you was a plump smiling little boy, with a frill round your neck, and marbles in your pocket, and trousers and waistcoat all in one, and kisses and presents from Pa and Ma and uncle and aunt, on your birthday. Don't you be afraid of me wearing out this shirt by too much washing. I mean to put it away in lavender against your next birthday; or against your funeral, which is just as likely at your time of life—isn't it, sir?"

"Don't waste a clean shirt on my funeral," retorted Mr. Treverton. "I hav'n't left you any money in my will, Shrowl. You'll be on your way to the workhouse when I'm on my way to the grave."

"Have you really made your will, at last, sir?" inquired Shrowl, pausing, with an appearance of the greatest interest, in the act of cutting off his slice of bacon. "I humbly beg pardon, but I always thought you was afraid to do it."

The servant had evidently touched intentionally on one of the master's sore points. Mr. Treverton thumped his crust of bread on the table, and looked up angrily at Shrowl.

"Afraid of making my will, you fool!" said he. "I don't make it, and I won't make it, on principle."

Shrowl slowly sawed off his slice of bacon, and began to whistle a tune.

"On principle," repeated Mr. Treverton. "Rich men who leave money behind them are the farmers who raise the crop of human wickedness. When a man has any spark of generosity in his nature, if you want to put it out, leave him a legacy. When a man is bad, if you want to make him worse, leave him a legacy. If you want to collect a number of men together for the purpose of perpetuating corruption and oppression on a large scale, leave them a legacy under the form of endowing a public charity. If you want to give a woman the best chance in the world of getting a bad husband, leave her a legacy. If you want to send young men to perdition; if you want to make old men loadstones for attracting all the basest qualities of mankind; if you want to set parents and children, husbands and wives, brothers and sisters, all together by the ears, leave them money. Make my will! I have a pretty strong dislike of my species, Shrowl, but I don't quite hate mankind enough yet, to do such mischief among them as that!" Ending his diatribe in these words, Mr. Treverton took down one of the battered pewter pots, and refreshed himself with a pint of beer.

Shrowl shifted the gridiron to a clear place in the fire, and chuckled sarcastically.

"Who the devil would you have me leave my money to?" cried Mr. Treverton, overhearing him. "To my brother, who thinks me a brute now; who would think me a fool then; and who would encourage swindling, anyhow, by spending all my money among doxies and strolling players? To the child of that player-woman, whom I have never set eyes on, who has been brought up to hate me, and who would turn hypocrite directly by pretending, for decency's sake, to be sorry for my death! To you, you human baboon!—you, who would set up an usury.office directly, and prey upon the widow, the fatherless and the unfortunate generally, all over the world? Your good health, Mr. Shrowl! I can laugh as well as you—especially when I know I'm not going to leave you sixpence."

Shrowl, in his turn, began to get a little irritated now. The jeering civility which he had chosen to assume on first entering the room gave place to his habitual surliness of manner and his natural growling intonation of voice.

"You just let me alone—will you?" he said, sitting down sulkily to his breakfast. "I've done joking for to-day; suppose you finish, too. What's the use of talking nonsense about your money? You must leave it to somebody."

"Yes, I will," said Mr. Treverton. "I will leave it, as I have told you over and over again, to the first Somebody I can find who honestly despises money, and who can't be made the worse, therefore, by having it."

"That means nobody," grunted Shrowl.

"I know it does!" retorted his master.

"But you can't leave it to nobody," persisted Shrowl. "You must leave it to somebody. You can't help yourself."

"Can't I?" said Mr. Treverton. "I rather think I can do what I please with it. I can turn it all into bank-notes, if I like, and make a bon-fire with them in the brew-house before I die. I should go out of the world then, knowing that I had n't left materials behind me for making it worse than it is—and that would be a precious comfort to me, I can tell you!"

Before Shrowl could utter a word of rejoinder, there was a ring at the gate-bell of the cottage.

"Go out," said Mr. Treverton, "and see what that is. If it's a woman-visitor, show her what a scarecrow you are, and frighten her away. If it's a man-visitor——"

"If it's a man-visitor," interposed Shrowl, "I'll punch his head for interrupting me at my breakfast."

Mr. Treverton filled and lit his pipe during his servant's absence. Before the tobacco was well a-light, Shrowl returned, and reported a man-visitor.

"Did you punch his head?" asked Mr. Treverton.

"No," said Shrowl, "I picked up his letter. He poked it under the gate, and went away. Here it is."

The letter was written on foolscap paper, superscribed in a round legal hand. As Mr. Treverton opened it, two slips cut from newspapers dropped out. One fell on the table before which he was sitting; the other fluttered to the floor. This last slip Shrowl picked up, and looked over its contents, without troubling himself to go through the ceremony of first asking leave.

After slowly drawing in and slowly puffing out again one mouthful of tobacco-smoke, Mr. Treverton began to read the letter. As his eye fell on the first lines, his lips began to work round the mouth-piece of the pipe in a manner that was very unusual with him. The letter was not long enough to require him to turn over the first leaf of it—it ended at the bottom of the opening sheet. He read it down to the signature—then looked up to the address, and went through it again from the beginning. His lips still continued to work round the mouth-piece of the pipe, but he smoked no more. When he had finished the second reading, he set the letter down very gently on the table, looked at his servant with an unaccustomed vacancy in the expression of his eyes, and took the pipe out of his mouth with a hand that trembled a little.

"Shrowl," he said, very quietly, "my brother is drowned."

"I know he is," answered Shrowl, without looking up from the newspaper-slip. "I'm reading about it here."

"The last words he said to me when we quarrelled about the player-woman," continued Mr. Treverton, speaking as much to himself as to his servant, "were, that I should die without one kind feeling in my heart towards any living soul."

"So you will," muttered Shrowl, turning the slip over to see if there was anything worth reading at the back of it.

"I wonder what he thought about me when he was dying?" said Mr. Treverton, abstractedly taking up the letter again from the table.

"He did n't waste a thought on you or anybody else," remarked Shrowl. "If he thought at all, he thought about how he could save his life. When he had done thinking about that, he had done living, too." With that expression of opinion Mr. Shrowl went to the beer-barrel, and drew his morning draught.

"Damn that player-woman!" muttered Mr. Treverton. As he said these words his face darkened and his lips closed firmly. He smoothed the letter out on the table. There seemed to be some doubt in his mind whether he had mastered all its contents yet—some idea that there was more in it—or that there ought to be more in it—than he had yet discovered. In going over it for the third time, he read it to himself aloud and very slowly, as if he was determined to fix every separate word firmly in his memory.

"Sir (he read)—As the old legal adviser and faithful friend of your family, I am desired by Mrs. Frankland, formerly Miss Treverton, to acquaint you with the sad news of your brother's death. This deplorable event occurred on board the ship of which he was captain, during a gale of wind in which the vessel was lost on a reef of rocks off the island of Antigua. I enclose a detailed account of the shipwreck extracted from the *Times*, by which you will see that your brother died nobly in the performance of his duty towards the officers and men whom he commanded. I also send a slip from the local Cornish paper, containing a memoir of the deceased gentleman.

"Before closing this communication, I must add that no will has been found, after the most rigorous search, among the papers of the late Captain Treverton. Having disposed, as you know, of Porthgenna, the only property of which he was possessed at the time of his death was personal property, derived from the sale of his estate; and this, in consequence of his dying intestate, will go in due course of law to his daughter, as his nearest of kin.

"I am, sir, your obedient servant,

"ALEXANDER NIXON."

The newspaper-slip, which had fallen on the table, contained the paragraph from the *Times*. The slip from the Cornish paper, which had dropped to the floor, Shrowl poked under his master's eyes, in a fit of temporary civility, as soon as he had done reading it. Mr. Treverton took not the slightest notice either of the one paragraph or the other. He still sat looking at the letter, even after he had read it for the third time.

"Why don't you give the strip of print a turn, as well as the sheet of writing?" asked Shrowl. "Why don't you read about what a great man your brother was, and what a good life he led, and what a wonderful handsome daughter he's left behind him, and what a capital marriage she's made along with the man that's owner of your old family estate? *She* don't want your money now, at any rate! The ill wind that blowed her father's ship on the rocks has blowed forty thousand pound of good into her lap. Why don't you read about it? She and her husband have got a better house in Cornwall than you have got here. Ain't you glad of that? They were going to have repaired the place from top to bottom for your brother to go and live along with 'em in clover when he come back from sea. Who will ever repair a place for you? I wonder whether your niece would knock the old house about for your sake, now, if you was to clean yourself up and go and ask her?"

At that last question, Shrowl paused in the work of aggravation—not for want of more words, but for want of encouragement to utter them. For the first time since they had kept house together, he had tried to provoke his master and had failed. Mr. Treverton listened, or appeared to listen, without moving a muscle—without the faintest change to anger in his face. The only words he said when Shrowl had done, were these two—

"Go out!"

Shrowl was not an easy man to move, but he absolutely changed colour when he heard that unprecedented and uncompromising command. After leading his master, from the first days of their sojourn together in the house, just as he pleased, could he believe his ears when he heard himself suddenly ordered to leave the room?

"Go out!" reiterated Mr. Treverton. "And hold your tongue henceforth and forever, about my brother and my brother's daughter. I never have set eyes upon the player-woman's child, and I never will. Hold your tongue—leave me alone—go out!"

"I'll be even with him for this," thought Shrowl, as he slowly withdrew from the room. When he had closed the door, he listened outside it, and heard Mr. Treverton push aside his chair, and walk up and down, talking to himself. Judging by the confused words that escaped him, Shrowl concluded that his thoughts were still running on the "player-woman" who had set his brother and himself at variance. He seemed to feel a barbarous sense of relief in venting his dissatisfaction with himself, after the news of Captain Treverton's death, on the memory of the woman whom he hated so bitterly, and on the child whom she had left behind her. After awhile, the low rumbling tones of his voice ceased altogether. Shrowl peeped through the keyhole, and saw that he was reading the newspaper-slips which contained the account of the shipwreck and the Memoir of his brother. The latter adverted to some of those family particulars which the vicar of Long Beckley had mentioned to his guest; and the writer of the Memoir concluded by expressing a hope that the bereavement which Mr. and Mrs. Frankland had suffered would not ultimately interfere with their project for repairing Porthgenna Tower, after they had gone the length already of sending a builder to survey the place. Something in the wording of that paragraph seemed to take Mr. Treverton's memory back to his youth-time, when the old family house had been his home. He whispered a few words to himself which gloomily referred to the days that were gone, rose from his chair impatiently, threw both the newspaper slips into the fire, watched them while they were burning, and sighed when the black gossamer ashes floated upward on the draught, and were lost in the chimney.

The sound of that sigh startled Shrowl as the sound of a pistol-shot might have started another man. His bull-terrier's eyes opened wide in astonishment, and he shook his head ominously as he walked away from the door.

CHAPTER THE SEVENTH. WILL THEY COME?

The housekeeper at Porthgenna Tower had just completed the necessary preparations for the reception of her master and mistress, at the time mentioned in Mrs. Frankland's letter from St. Swithin's-on-Sea, when she was startled by receiving a note sealed with black wax, and surrounded by a thick mourning border. The note briefly communicated the news of Captain Treverton's death, and informed her that the visit of Mr. and Mrs. Frankland to Porthgenna was deferred for an indefinite period.

By the same post, the builder who was superintending the renovation of the west staircase also received a letter, requesting him to send in his account as soon as the repairs on which he was then engaged were completed; and telling him that Mr. Frankland was unable, for the present, to give any further attention to the project for making the north rooms habitable, in consequence of a domestic affliction which might possibly change his intentions in regard to the alteration proposed in that part of the house. On the receipt of this communication, the builder withdrew himself and his men as soon as the west stairs and banisters had been made secure; and Porthgenna Tower was again left to the care of the housekeeper and her servant, without master or mistress, friends or strangers, to tread its solitary passages or enliven its empty rooms.

From this time, eight months passed away, and the housekeeper heard nothing of her master and mistress, except through the medium of paragraphs in the local newspaper, which dubiously referred to the probability of their occupying the old house, and interesting themselves in the affairs of their tenantry, at no very distant period. Occasionally, too, when business took him to the post-town, the steward collected reports about his employers among the old friends and dependants of the Treverton family. From these sources of information, the housekeeper was led to conclude that Mr. and Mrs. Frankland had returned to Long Beckley, after receiving the news of Captain Treverton's death, and had lived there for some months in strict retirement. When they left that place, they moved (if the newspaper report was to be credited) to the neighbourhood of London, and occupied the house of some friends who were travelling on the continent. Here they must have remained for some time, for the new year came and brought no rumours of any change in their place of abode. January and February passed without any news of them. Early in March the steward had occasion to go to the post-town. When he returned to Porthgenna, he came back with a new report relating to Mr. and Mrs. Frankland, which excited the housekeeper's interest in an extraordinary degree. In two different quarters, each highly respectable, the steward had heard it facetiously announced that the domestic responsibilities of his master and mistress were likely to be increased by their having a nurse to engage and a crib to buy at the end of the Spring or the beginning of the Summer. In plain English, among the many babies who might be expected to make their appearance in the world in the course of the next three months, there was one who would inherit the name of Frankland, and who (if the infant luckily turned out to be a boy) would cause a sensation throughout West Cornwall as heir to the Porthgenna estate.

In the next month, the month of April, before the housekeeper and the steward had done discussing their last and most important fragment of news, the postman made his welcome appearance at Porthgenna Tower, and brought another note from Mrs. Frankland. The housekeeper's face brightened with unaccustomed pleasure and surprise as she read the first line. The letter announced that the long-deferred visit of her master and mistress to the old house would take place early in May, and that they might be expected to arrive any day from the first to the tenth of the month.

The reasons which had led the owners of Porthgenna to fix a period, at last, for visiting their country seat were connected with certain particulars into which Mrs. Frankland had not thought it advisable to enter in her letter. The plain facts of the case were, that a little discussion had arisen between the husband and wife in relation to the next place of residence which they should select, after the return from the continent of the friends whose house they were occupying. Mr. Frankland had very reasonably suggested returning again to Long Beckley—not only because all their oldest friends lived in the neighbourhood, but also (and circumstances made this an important consideration) because the place had the advantage of possessing an excellent resident medical man. Unfortunately this latter advantage, so far from carrying any weight with it in Mrs. Frankland's estimation, actually prejudiced her mind against the project of going to Long Beckley. She had always, she acknowledged, felt an unreasonable antipathy to the doctor there. He might be a very skilful, an extremely polite, and an undeniably respectable man; but she never had liked him, and never should, and she was resolved to oppose the plan for living at Long Beckley, because the execution of it would oblige her to commit herself to his care. Two other places of residence were next suggested: but Mrs. Frankland had the same objection to oppose to both—in each case, the resident doctor would be a stranger to her, and she did not like the notion of being attended by a stranger. Finally, as she had all along anticipated, the choice of the future abode was left entirely to her own inclinations; and then, to the amazement of her husband and her friends, she immediately decided on going to Porthgenna. She had formed this strange project, and was now resolved on executing it, partly because she was more curious than ever to see the place again; partly, because the doctor who had been with her mother in Mrs. Treverton's last illness, and who had attended her through all her own little maladies, when she was a child, was still living and practising in the Porthgenna neighbourhood. Her father and the doctor had been old cronies, and had met for years at the same chess-board every Saturday night. They had kept up their friendship, when circumstances separated them, by exchanges of Christmas presents every year; and when the sad news of the Captain's death had reached Cornwall, the doctor had written a letter of sympathy and condolence to Rosamond, speaking in such terms of his former friend and patron as she could never forget. He must be a nice, fatherly old man, now—the man of all others who was fittest, on every account, to attend her. In short, Mrs. Frankland was just as strongly prejudiced in favour of employing the Porthgenna doctor as she was prejudiced against employing the Long Beckley doctor; and she ended—as all young married women, with affectionate husbands, may, and do, end, whenever they please—by carrying her own point, and having her own way.

On the first of May, the west rooms were all ready for the reception of the master and mistress of the house. The beds were aired, the carpets cleaned, the sofas and chairs uncovered. The housekeeper put on her satin gown and her garnet brooch; the maid followed suit, at a respectful distance, in brown merino and a pink ribbon; and the bald old steward, determining not to be outdone by the women, produced a new and becoming auburn wig, ordered expressly for the occasion, and a black brocaded waistcoat, which almost rivalled the gloom and grandeur of the housekeeper's satin gown. The day wore on, evening closed in, bed-time came—and there were no signs yet of Mr. and Mrs. Frankland.

But the first was an early day on which to expect them. The steward thought so, and the housekeeper added that it would be foolish to feel disappointed, even if they did not arrive until the fifth. The fifth came, and still nothing happened. The sixth, seventh, eighth and ninth followed; and no sound of the expected carriage-wheels came near the lonely house.

On the tenth, and last day, the housekeeper, the steward, and the maid, all three rose earlier than usual; all three opened and shut doors, and went up and down stairs oftener than was needful; all three looked out perpetually towards the moor and the high road, and thought the view flatter, and duller, and emptier than ever it had appeared to them before. The day waned, the sunset came; darkness changed the perpetual looking out of the housekeeper, the steward, and the maid, into perpetual listening; ten o'clock struck, and still there was nothing to be heard when they went to the open window, but the dull, wearisome, ceaseless beating of the surf on the sandy shore.

The housekeeper began to calculate the time that would be consumed on the railroad journey from London to Devonshire, and on the posting journey afterwards through Cornwall to Porthgenna. When had Mr. and Mrs. Frankland left Plymouth?—that was the first question. And what delays might they have encountered afterwards in getting horses?—that was the second. The housekeeper and steward differed irritably in debating these points; but both agreed that it was necessary to sit up until midnight, on the chance of the master and mistress arriving late. The maid, hearing her sentence of banishment from bed for the next two hours, pronounced by the superior authorities, yawned and sighed mournfully—was reproved by the steward—and was furnished by the housekeeper with a book of Hymns to read, to keep up her spirits.

Twelve o'clock struck, and still the monotonous beating of the surf, varied occasionally by those loud, mysterious, cracking noises which make themselves heard at night in an old house, were the only audible sounds. The steward was dozing; the maid was fast asleep under the soothing influence of the Hymns; the housekeeper was wide awake, with her eyes fixed on the window, and her head shaking forebodingly from time to time. At the last stroke of the clock she left her chair, listened attentively, and still hearing nothing, shook the maid irritably by the shoulder, and stamped on the floor to arouse the steward.

"We may go to bed," she said. "They are not coming."

"Did you say they were not coming at all?" asked the steward, sleepily setting his wig straight.

"No; I said they were not coming," answered the housekeeper sharply. "But it would n't surprise me, for one, if we never set eyes on them after all our trouble in getting the place ready. This is the second time they have disappointed us. The first time, the Captain's death stood in the way. What stops them now? Another death? I should n't wonder if it was."

"No more should I," assented the steward with a yawn.

"Another death!" repeated the housekeeper, superstitiously. "If it *is* another death, I should take it, in their place, as a warning to keep away from the house."—*Household Words.*

AN IRISHMAN'S RESOURCES.

MR. MEAGHER, in his speech at the St. Patrick's Day dinner, on the 17th inst., told the following:

Paddy Shannon was a bugler in the 87th regiment—the *Faugh a-Ballaghs*—and with that regiment, under the command of Sir Hugh Gough, served all through the Peninsular campaign. When the campaign was over, Paddy had nothing left him but the recollections of it. His only solace was the notice taken of him in the canteen. It is no wonder, then, he became a convivial soul. From the bottle he soon found his way to the halberts.

The regiment was paraded, the proceedings read, and Paddy tied up. The signal was given for the drummers to begin, when Paddy Shannon exclaimed:

"Listen now, Sir Hugh. Do you mean to say you are going to flog me? Just recollect who it was sounded the charge at Boressa, when you took the only French eagle ever taken. Was n't it Paddy Shannon? Little I thought that day it would come to this; and the regiment so proud of that same eagle on the colours."

"Take him down," said Sir Hugh, and Paddy escaped unpunished.

A very short time, however, elapsed, before Paddy again found himself placed in similar circumstances.

"Go on," said the Colonel.

"Don't be in a hurry, ejaculated Paddy, "I've a few words to say, Sir Hugh."

"The eagle won't save you this time, sir."

"Is it the eagle, indeed! then I was n't going to say anything about that same, though you are, and ought to be proud of it. But I was just going to ask if it wasn't Paddy Shannon who, when the breach of Tarifa was stormed by 22,000 French, and only the 87th to defend it, if it was n't Paddy Shannon who struck up 'Garryown, to glory, boys,' and you, Sir Hugh, have got the same two towers and the breach between them upon your coat of arms in testimony thereof."

"Take him down," said the Colonel, and Paddy was again unscathed.

Paddy, however, had a long list of services to get through, and a good deal of whiskey, and ere another two months he was again tied up, the sentence read, and an assurance from Sir Hugh that nothing again would make him relent. Paddy tried the eagle—it was of no use. He appealed to Sir Hugh's pride and the breach of Tarifa without any avail.

"And is it me," at last he broke out, "that you are going to flog? I ask you Sir Hugh Gough, before the whole Regiment, who know it well, if it wasn't Paddy Shannon who picked up the French Field-Marshal's staff at the battle of Victoria, that the Duke of Wellington sent to the Prince Regent, and for which he got that letter that will be long remembered, and that made him a Field-Marshal into the bargain? The Prince Regent said, 'You've sent me the staff of a Field-Marshal of France; I return you that of a Field-Marshal of England.' Wasn't it Paddy Shannon that took it? Paddy Shannon, who never got rap, or recompense, or ribbon, or star, or coat-of-arms, or mark of distinction except the flogging you are going to give him."

"Take him down," cried Sir Hugh, and again Paddy was forgiven.

Gleanings from Foreign Publications.

The *Examiner* observes that we cannot fail to observe what blows Mr. Thackeray, in his lectures, is dealing at the mere blind instinct of loyalty. In the midst of his scorn of George IV., and of his wonder at the worship paid to him by our fathers, he exclaims abruptly, "would we bear him now?" A loud applause follows the question. Our present Queen has taught us what a sovereign should be. There is no discouragement under her rule to speaking the truth, even about her forefathers; and it is consistent in England now, both with law and loyalty, to give to vice and folly their right names. The like is hardly to be said of any other sovereign or state in Europe.

——In the Greek islands the late Lieutenant-General Sir Charles Napier knew Lord Byron, and gossiped about him in his letters: "Lord Byron tells me he has touched up the Duke of Wellington in 'Don Juan': he means to write one hundred and fifty cantos, and he gets two thousand pounds a canto! Good trade, a poet's!" Again: "Lord Byron is still here, a very good fellow, very pleasant, always laughing and joking. An American gave a very good account of him in the newspapers, but said his head was too large in proportion, which is not true. He dined with me the day before the paper arrived, and four or five of us tried to put on his hat, but none could; he had the smallest head of all, and one of the smallest I ever saw. He is very compassionate, and kind to every one in distress."

——Mr. Gosse, like many of our best authorities, includes the Sponges amongst animals, and prefixes to his account of them a very interesting disquisition as to what constitutes an animal. He comes to the conclusion that the boundary between animals and plants is very difficult to trace, that they shade into each other almost imperceptibly, and that it is more than doubtful whether there is really any boundry at all. The sponge of domestic use, which may serve as a type of the class, is merely a skeleton, formed of a peculiar horney substance. The flesh of the animal is a transparent slime, which is got rid of when the sponge is prepared for sale. When alive, the sea-water is perpetually drunk in by one set of holes and poured out by another, so that a constant current is kept up through the body of the animal.

——NOVEL VIEW OF THE SAINTS.—"Everything became proper in our hands for some purpose," said an eminent old Jesuit in a conversation touching the consummate policy of his order. "We destined the most eloquent to the pulpit, the most crafty to politics, the most ambitious to the confessional of princes." "But," it was remarked, "there must have been fools among you, as everywhere else: to what use did you apply them?" "We made saints of them!" was the imperturbable reply. This refinement of adaptation, this habit of putting "the right man in the right place," is doubtless the secret of its marvellous success, albeit there be comparatively few in the latter category. That the Church has profited largely by this infusion of worldly wisdom through the wisest of its "children" is manifest in the matchless adaptations of it complicate machinery, and in nothing more, perhaps, than it its ever lengthening calendar of saints.—*Roman Correspondent Newark Advertiser.*

——The rat has its social virtues. A writer in the *Quarterly Review* avows that he could "fill pages" with relation to them: "If he can be savage when self-protection requires, he also has his softer moments in which he shows confidence in man almost as strong as that exhibited by the dog or cat. An old blind rat, on whose head the snows of many winters had gathered, was in the habit of sitting beside our kitchen fire with all the comfortable look of his enemy, the cat, and such a favourite had he become with the servants that he was never allowed to be disturbed. He unhappily fell a victim to the sudden spring of a strange cat. A close observation of these animals entirely conquers the antipathy which is entertained towards them. Their sharp and handsome heads, their bright eyes, their intelligent look, their sleek skins, are the very reverse of repulsive, and there is positive attraction in the beautiful manner in which they sit licking their paws and washing their faces, an occupation in which they pass a considerable portion of their time."

——The *Athenæum* says: "A woman marries without a settlement. Though the husband may have deserted her, he can enjoy her whole personal property, sell or squander it, leaving his wife and children entirely penniless, excepting that the law will oblige him to keep them from being chargeable to the parish—an obligation imposed solely out of consideration for the pocket of the ratepayers. If the wife have real estate, the husband cannot indeed sell it without his wife's concurrence, but he has the entire enjoyment of the rents during the marriage, and for his own life also, if he have a child and survive the wife. Supposing that the deserted wife, by her industry or the exercise of literary or other talent, not only supports herself and children, but saves a little money, her husband may at any time assert the rights of that character the moral duties of which he has disregarded. He may seize her money, furniture and effects—get in her debts—take the copyright of her works, and leave her destitute. And this he may do although there has been a divorce by the ecclesiastical court. Suppose that the husband enters into an agreement with his wife to allow her a small share of that which in justice, though not in law, is her own—of the produce of her own industry and talent; the agreement is in writing, signed by the husband in the presence of witnesses; but it is a mere nullity, which the husband may, if he is base enough (and such men are said to exist), repudiate."

——Shakspearian "finds" are not limited to this country: we have before us a letter from Saxony, which mentions one of importance recently made in Switzerland. It appears that a native of that country, who was long resident in London during the reigns of Elizabeth and James the First, afterwards retired to Basle or Zurich, where he died, but left behind him a library of many English books, which he had bought in this kingdom, and had carried with him on his return to the continent. Not a few of these are of the era of Shakspeare, and some especially relate to our great dramatist, and to his theatrical contemporaries. For instance, there is the "Romeo and Juliet," 4to., 1609—"Hamlet," 4to., 1611—the old "King John," we believe the extremely valuable 4to. of 1591—Ben Jonson's "Volpone," 4to., 1607—and various other plays, including, among the anonymous, the rare comedy, "How to choose a Good Wife from a Bad," 4to., 1602. We have yet received but a brief account of these discoveries, but we are expecting further information; and in the meantime we may notice a tract of excessive rarity, immediately connected with our early stage, which has turned up with the others. It is known that Shakspeare's "Pericles" was first printed in 1609, "as it was sundry times acted at the Globe on the Bankside." The tract to which we allude was printed in 1608, and is neither more nor less than a narrative tale taken from the incidents of Shakspeare's "Pericles," and published while that drama was in its first run. It is not the novel by Twyne, from which Shakspeare derived his incidents, but a novel founded upon those incidents as exhibited on the stage, and containing much of the very language employed in the play, but which has not come down to us in the printed editions. Only a single perfect copy of this tract, which is called "The Painful Adventures of Pericles, Prince of Tyre," is known in this country—and some years ago Mr. Payne Collier printed fifty copies of a short account of it, with specimens showing its immediate connection with Shakspeare's drama. As soon as we know more regarding this Swiss Shakspearian library we will communicate the particulars to our readers.—*Athenæum.*

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